

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 October 9th, 2019.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

BOARD MEMBERS PRESENT:

- CHAIRPERSON: MATTHEW MACARIO
- SARA GADARIAN
- RACHEL PHILLIPS
- DONNA CLAYTON
- WILLIAM CURTIS, JR.
- DAVID WEISS
- GERALDINE LEWIS

STAFF PRESENT:

- DEPUTY CORPORATION COUNSEL: GARY MURAI
- COMMISSION SECRETARY: CORY-LYNN VICENS

1 (October 9th, 2019, 12:30 p.m.)

2 * * *

3 CHAIR MACARIO: (Gavel.) Okay. Calling the
4 October 9, 2019, meeting of the Maui County Board of Ethics to
5 order. On our amended agenda today the first item is Review
6 and Approval of the September 11, 2019, Regular Session
7 Minutes. Is there a motion to approve those minutes?

8 MEMBER GADARIAN: Mr. Chairman, I believe you have
9 to have call to order so we're acknowledging that we're all
10 present.

11 CHAIR MACARIO: Oh, that is a good point.

12 MR. MURAI: Yeah. This is Gary. Well, Matt did
13 call the meeting to order, but why don't we take a roll call,
14 at least initially, because we're recording this, so that our
15 court reporter can put a name to the voice.

16 So why don't we start with Rachel.

17 MEMBER PHILLIPS: Rachel Phillips.

18 MEMBER WEISS: Dave Weiss.

19 MEMBER LEWIS: Gerri Lewis.

20 MEMBER GADARIAN: Sara Gadarian.

21 CHAIR MACARIO: Matt Macario.

22 MEMBER CLAYTON: Donna Clayton.

23 MEMBER CURTIS: Bill Curtis.

24 MR. MURAI: And deputy corporation counsel Gary
25 Murai.

1 CHAIR MACARIO: All right. Thank you for that good
2 suggestion, Sara.

3 So, again, at this point I'm seeking a motion to
4 approve the September 11, 2019, regular session minutes.

5 MEMBER CLAYTON: This is Donna. So moved.

6 CHAIR MACARIO: Is there a second?

7 MEMBER GADARIAN: Second. Sara Gadarian.

8 CHAIR MACARIO: Okay. Any discussion?

9 MEMBER GADARIAN: Yes.

10 CHAIR MACARIO: Go ahead, Sara.

11 MEMBER GADARIAN: It's a matter of the words -- the
12 word council meaning county council and counsel, corporation
13 counsel, c-o-u-n-s-e-l. And so this is on page 3 where --
14 this is starting on line 15 and it's where I, Gadarian said,
15 Sandra did an excellent job, and on page 61, line 19, and this
16 is where Vice Chairman -- Chair Courson made a statement and
17 it should be where he says, With the clarification that David
18 gave as articulated by council, c-o-u-n-c-i-l, it's supposed
19 to be counsel, c-o-u-n-s-e-l.

20 CHAIR MACARIO: Okay. So there's --

21 MEMBER GADARIAN: And I --

22 CHAIR MACARIO: -- one correction on page 3,
23 line 19. Go ahead, Sara.

24 MEMBER GADARIAN: And on page -- pages 10 and 11, we
25 have line 20 where the sentence reads, We're a lot better

1 educated and, therefore, we come to the council,
2 c-o-u-n-c-i-l, to be ask -- to be able to ask them to support
3 us. And then line -- line 25, the sentence says, So one of
4 the things that happened was there was a resolution that was
5 passed through last council, c-o-u-n-c-i-l. Then on page 11,
6 the sentence is, So that passed in the past, in last council,
7 c-o-u-n-c-i-l. Next sentence, So this council, c-o-u-n-c-i-l,
8 a new resolution, etc.

9 CHAIR MACARIO: Okay. Thank you, Sara. Any other
10 changes that you have --

11 MEMBER GADARIAN: No.

12 CHAIR MACARIO: -- given those?

13 Okay. I had some. The first one is page 6, line
14 24, a similar issue. That is where I'm talking about the next
15 item on the agenda, it should be C-o-u-n-c-i-l Chair, Council
16 Chair. And then also I had page 8, line 15, again, I'm
17 reading from the agenda, it should say, Participation in
18 Discussions and Voting on Resolution, not in booming. So in
19 booming should be corrected to and voting. And the final
20 thing that I saw was on page 18, line 24, the first word on
21 line 24 should be this. So that phrase should read, Am I
22 understanding this motion is that he would find, etc.

23 Anyone else have any other corrections or changes to
24 the minutes?

25 MEMBER GADARIAN: This instead of those.

1 CHAIR MACARIO: Correct.

2 (No response.)

3 CHAIR MACARIO: Okay. So with the corrections
4 noted, all in favor of approving the September 11th, 2019,
5 regular session minutes, say "aye."

6 (Response.)

7 CHAIR MACARIO: All opposed?

8 (No response.)

9 CHAIR MACARIO: Okay. That carries unanimously.
10 Next item on the agenda is Public Testimony. Cory,
11 do we have any public testimony today?

12 MS. VICENS: No, I don't. There's Leilani, we have
13 Leilani Pulmano, who's here --

14 CHAIR MACARIO: Oh, okay.

15 MS. VICENS: -- to give testimony on her agenda
16 item.

17 CHAIR MACARIO: On her agenda item, but no general
18 public testimony. All right. Thank you.

19 Next item, 4, Old Business, Financial Disclosure
20 Statements: None.

21 Communication Items: None.

22 Item 4.c on our agenda is Review and Approval of
23 Advisory Opinion No. 19A-09 for Councilmember Tasha Kama. We
24 should have that in our packets, if you would just pull that
25 out. (Pause - referring.) I'm not seeing it.

1 MR. MURAI: No.

2 MEMBER CURTIS: It was in the handout.

3 CHAIR MACARIO: Oh, I'm sorry. Okay. So it's one
4 of the handouts we got it today. All right. So, yes,
5 Advisory Opinion No. 19A-09 was drafted by corporation
6 counsel, I made some revisions to it, and I'm recommending
7 that we go ahead and issue this. I think it accurately
8 reflects what we decided at our last meeting. Is there a
9 motion to approve and issue Advisory Opinion No. 19A-09?

10 MEMBER CURTIS: So moved. Bill.

11 CHAIR MACARIO: Bill Curtis moved. Is there a
12 second?

13 MEMBER CLAYTON: Second. Donna.

14 CHAIR MACARIO: Okay, Donna. Thank you for the
15 second.

16 Any discussion?

17 (No response.)

18 CHAIR MACARIO: All right. Hearing none, all in
19 favor?

20 (Response.)

21 CHAIR MACARIO: All opposed?

22 (No response.)

23 CHAIR MACARIO: Okay. That carries unanimously.

24 Cory, you want to circulate the original. Oh, it's
25 already being done? Okay. Thank you.

1 Next item is 4.d, Update From Corporation Counsel
2 Regarding the Logistics of Making County of Maui Advisory
3 Opinions Public and Available on the County of Maui Board of
4 Ethics Webpage. I don't know who the appropriate person is to
5 give me that update. Is it you, Gary, or Cory, or a
6 combination?

7 MR. MURAI: This is Gary. Cory did all the leg-
8 work, but just so the members know, we've been talking for
9 some time about putting our opinions on the Board of Ethics
10 webpage so that people could access them. You know, because
11 the thinking is if your situation has already been addressed
12 in a prior opinion, then that opinion can guide you and --
13 but, you know, it's a lot of work. Our opinions go back to
14 1977 and we only have them in, like, these, you know,
15 photocopies that have been copied over so many times that, you
16 know, they're in pretty bad shape. So, anyway, I'll put in
17 what we'd like to do is become more like other boards and
18 other, you know, government agencies where they have their --
19 their opinions and letters available for public inspection.

20 Right now, the system that we have is -- is not
21 very -- not very -- it's not very easy to navigate because
22 what people will do is they'll have to call us and say, Do you
23 have any opinions on this topic? We -- you know, some of them
24 are -- recur kind of frequently, so we'll -- you know, we have
25 kind of like a standard, Oh, you want an opinion on accepting

1 gifts. Well, here's a couple that we've issued recently.
2 But, you know, that's not very user friendly.

3 So Cory has done some research and I'll -- I'll just
4 turn it over to her.

5 MS. VICENS: This is Cory Vicens, executive
6 secretary for board of ethics. What you have in front of you
7 is a draft document. I will send it to you electronically so
8 you can click around on the links that are provided in it.
9 The first page is a summary, really quickly, of our current
10 situation. We have 275 advisory opinions that have been
11 issued since 1977, 19 of them are actually complaints that
12 were second to an advisory opinion. Of those, everything from
13 '77 up to 2011 are in hard copy only and they're in binders
14 and, as Gary has said, only accessible if you come into the
15 office on what that is. And there is an indexing system, it's
16 not very -- again, that indexing system we have is not very
17 user friendly, it doesn't tell the details or when the opinion
18 was signed and put into a legal document.

19 As you can see from here, the second page is kind of
20 a demonstration of what we do right now when we put up agendas
21 and minutes. It is our current platform that we use within
22 the county to make available, as I said, agendas and minutes.
23 We could utilize that, but, again, all of this is really just
24 bringing some of the information and compare this. We saw the
25 County of Honolulu, their ethics commission and the path that

1 you would take when you go in and how you can search for those
2 are also in this packet. I used another example from the
3 state of Washington, King County, and how they actually
4 process their advisory opinions. Again, indexing, they have
5 some unique practices. Ultimately we want to be able to see
6 and understand what the use of the advisory opinion was. Was
7 it a gift? Was it a meal? How was it used?

8 All of this requires some, you know, back-end help
9 and if you just go to the last page, it's the, you know, What
10 do we do now, now that we recognize that there is a need.
11 Corporation counsel really recognizes that this should be
12 available, our deputy here, Gary, recognizes and -- and we
13 thank Chair Macario for bringing it and highlighting it and
14 really putting it into action.

15 So we've started the evaluation, as you see, a
16 little bit of the research, but there are many other steps and
17 it's key to see: What is Honolulu using? Is that something
18 that we can do? This isn't just something we're going to do
19 and put up right now, we need to get buy-in from key
20 stakeholders: IT, office of management, budget. It will
21 require extra personnel to help put this in and -- and then,
22 finally, the last step is ongoing maintenance.

23 So we are laying just the -- you know, a framework
24 here and everything under that has a bullet, so that's where
25 we stand right now and we'll continue to do that. Gary and I

1 spoke this morning and has proposed that maybe we can start --
2 and I will speak with our IT division on: What is the easiest
3 that we could do right now, especially with 2019? We have ten
4 advisory opinions, what can we do to put those up, as a step,
5 that would be available to the public? So that's where it is.
6 We'll take a small bite there and we'll report back as it
7 progresses.

8 CHAIR MACARIO: Okay. Thank you, Cory, and Gary.
9 On behalf of all of us, I just want to thank you both for
10 looking into this, especially Cory, it sounds like.

11 MR. MURAI: Yeah. She did --

12 CHAIR MACARIO: And --

13 MR. MURAI: She did the heavy lifting.

14 CHAIR MACARIO: This is a tremendous resource, this
15 document that you've created, I think this will be a good
16 roadmap, if you will, for -- for our future goals here. And I
17 think we're all in agreement that we can start small, maybe
18 just start putting up the current ones from this year, and
19 then if funding or resources are available, we can start
20 making the older ones available.

21 Gary, do you have any suggestions on -- I know this
22 is just a status update, but is there any further action that
23 we are required to do at this point or is advisable so that we
24 can encourage this to continue?

25 MR. MURAI: I think what we -- what we -- well, this

1 is going to need my office -- well, the corporation counsel --
2 the Board of Ethics is attached to the -- administratively to
3 the corporation counsel's office. So if the board said, We'd
4 like to issue an RFP; in other words, look for a contractor
5 whose -- who can provide these services to us; or if the board
6 said, We'd like an appropriation of \$25,000 so we can hire
7 someone on a part-time basis or on an hourly basis to build
8 this for us; what I think would have to happen is this board
9 would decide what they would like to do and then Cory and I
10 would pass it on to the corporation counsel for her to include
11 it in next year's budget.

12 CHAIR MACARIO: Oh, okay.

13 MR. MURAI: Now, there -- it is possible that there
14 may be some funds available to start now, I -- I rather doubt
15 it, but -- which is why, you know, this is -- this is gonna be
16 a long-term project and even once we begin it, begin the
17 project, it may -- you know, it may take a while to complete.
18 I have no idea, because I don't know what's involved, and that
19 may be where, you know, the process of soliciting bids or
20 soliciting, I don't know, other information can help guide us.

21 If some of you folks on the board are familiar with
22 this sort of thing and have input, then, you know, certainly
23 we can -- we'd like to share that. But it all starts with the
24 board identifying what it is they'd like to do and to the
25 extent you can, how you'd like to do it, and then Cory and I

1 will convey that to our boss so that she could include that
2 request in next year's -- next year's budget.

3 CHAIR MACARIO: Okay. I -- I think we already did
4 that at our last meeting. Essentially, my recollection is, is
5 that we moved and --

6 MR. MURAI: Oh, okay.

7 CHAIR MACARIO: -- voted to direct corporation
8 counsel or request that they take reasonable efforts to make
9 this happen. And so today's agenda item was just a -- what
10 will be required, you know, just kind of keep it on the
11 burner, if you will. So unless you think our prior decision
12 is nonspecific and you need something more specific --

13 MR. MURAI: No. I -- well, yeah, sorry, Matt, I
14 wasn't here the last time.

15 CHAIR MACARIO: Right.

16 MR. MURAI: But, no, what you -- what you just
17 described sounds like -- sounds sufficient for us to move this
18 forward. But if after seeing the options that Cory has laid
19 out cause you to have any more specific guidance or
20 preferences, then -- then that would be appreciated by my
21 office so that we know -- we have a better idea of what to do,
22 what to ask for.

23 CHAIR MACARIO: Does anyone have any suggestions
24 that right now? Go ahead, Donna.

25 MEMBER CLAYTON: This is Donna. I just -- we have

1 two examples before us, Honolulu and the Washington, and as a
2 person that looks things up, I really appreciate the
3 Washington idea of advisory opinions and then they have
4 categories. So if you're a person that's wondering about
5 something, you can go to the category and see. And for me, I
6 think if we could at least set up -- and these categories look
7 terrific, we may find some others, but they really look very
8 comprehensive. And then you could maybe get the latest
9 opinion in each category, at least, on there so there's some
10 guidance when people are just wondering, you know, yeah.

11 MR. MURAI: And this is Gary again. In speaking
12 with Cory, we also thought that, you know, if these -- if you
13 see something from another jurisdiction that looks like
14 something that we'd like -- we would want to adopt, we'll call
15 those folks and say, Hey, you know, who put this together for
16 you?

17 MEMBER CLAYTON: Yeah.

18 MR. MURAI: You know, if it's a private contractor,
19 then we may want to contact that person and -- and invite them
20 to -- to submit a bid or a proposal to us, so...

21 CHAIR MACARIO: I like that idea because you guys
22 are so hard-pressed as it is for time.

23 MR. MURAI: Right. So if you see something you
24 like -- and this is something that if you -- if you want to do
25 your own research and if you find something from another

1 jurisdiction that looks like what you'd like, let Cory or I
2 know and we'll follow up. But --

3 MS VICENS: And, Donna, too, Gary and I talked this
4 morning and even just right here in our --

5 MEMBER CLAYTON: Yeah.

6 MS. VICENS: -- you know, backyard, you know, the
7 County of Honolulu, they do have what they call a subject
8 index.

9 MEMBER CLAYTON: Oh, okay.

10 MS. VICENS: And when you open that up, it shows
11 all -- by alphabet and you can click on them. And so if
12 you're looking for meals, you would click on M, or G for
13 gifts, and it lists all of them, so you can look -- you can --
14 the library is set up so that you can discover it by year or
15 you can discover it by topic and I -- that is really key. And
16 so it will -- we're going to start where we are, see what
17 they -- if it's something that they customized or they worked
18 with somebody, the -- you know, we'll go there first and we'll
19 work with our own team as well.

20 CHAIR MACARIO: That sounds great.

21 Go ahead, Bill.

22 MEMBER CURTIS: So there is -- on the second page,
23 there's a status of either -- the only ones that are listed
24 are called public, but there's the option of public and
25 private. Are we just considering posting the public ones, is

1 that -- or is private something that is also available for
2 review, just redacted?

3 MR. MURAI: This is Gary. Yeah, it's the latter.
4 It's still available to the public, but the name of the
5 requester --

6 MEMBER CURTIS: Oh, of the requester. Okay.

7 MR. MURAI: Yeah. Because, as you know, we -- we
8 issue public opinions where the requester's name is disclosed
9 and private opinions where the opinion is public, but the
10 identity of the requester is obscured.

11 MEMBER CURTIS: Okay. But the request is still
12 available.

13 MS. VICENS: So I will send this and you guys can
14 play around with it and you can see the different paths
15 that -- and as Gary said, these are just two counties that
16 were chosen. I'm familiar with both of them, so I started
17 there. If there's something else that you, you know, prefer
18 or see, all the information is -- is really valuable.

19 CHAIR MACARIO: Oh, great. So what I'll probably do
20 is just put another -- on next month's agenda, I'll just re-up
21 this, if you will, and then maybe by that time some of us will
22 have had a chance to go through some of these links and come
23 up with some ideas and maybe give you some more specific
24 guidance.

25 MS. VICENS: Great.

1 CHAIR MACARIO: All right. Any other discussion on
2 this topic?

3 (No response.)

4 CHAIR MACARIO: Okay. Hearing none, thank you,
5 again, both of you, for all of your hard work on that.

6 Next item on the agenda is 4.e, Update From the
7 Permitted Interaction Group (PIG) Regarding Revisions to the
8 Maui County Board of Ethics Financial Disclosure Statement
9 Form and Instructions For Calendar Year 2020. I saw that we
10 did get a draft updated FDS form and at this point I'm
11 wondering if it might be appropriate to ask Sara to give us an
12 update, if she is willing.

13 MEMBER GADARIAN: Yes. This is Sara. Rachel and
14 Cory gave a lot of -- or I asked for comment from -- from the
15 committee and Rachel and Cory submitted several detailed
16 possible changes. And it's hard for the -- the board to
17 realize what -- what changes were made, so I don't know
18 whether it's appropriate to indicate that at this time or just
19 take a look at it and see if any -- any of the members of the
20 board have something that leaps out. You have to have a
21 before and after in front of you --

22 CHAIR MACARIO: Right.

23 MEMBER GADARIAN: -- to begin with.

24 CHAIR MACARIO: Or a redlined version, something
25 like that.

1 MEMBER GADARIAN: Yes.

2 CHAIR MACARIO: But it sounds like the process is
3 ongoing --

4 MEMBER GADARIAN: Yes.

5 CHAIR MACARIO: -- and progress is being made?

6 MEMBER GADARIAN: Correct.

7 CHAIR MACARIO: Well, that's great. So we're sort
8 of at a in-between stage right now. So given what Sara has
9 told us, does anybody see anything in this form that they'd
10 like to discuss or that jumps out at them, as she said? If
11 not, I would just ask you guys to continue and thank you for
12 all your hard work.

13 MEMBER CURTIS: I think the goal was to have
14 something approved by next month so it would be available for
15 the new calendar year, is that -- was that the target?

16 CHAIR MACARIO: I don't know when -- Gary, do you
17 know when we would have to be finished with this process in
18 order for it to be realistically available for use in the next
19 calendar year?

20 MR. MURAI: Well, most boards and commission terms
21 expire --

22 What is it, March?

23 MS. VICENS: Yes.

24 MR. MURAI: And newly appointed members typically
25 have to -- well, carryover members must file by March 15th, so

1 we have a fair amount of time. New members must file within
2 15 days of their taking the oath of office. So, you know,
3 even if you were to -- if you were to approve these today, you
4 know, people -- sometimes new people come on board because of
5 resignations or things like that, but the bulk of them will be
6 March 15th, so we have a fair amount of time.

7 CHAIR MACARIO: Okay.

8 MEMBER GADARIAN: Well --

9 MS. VICENS: I do -- Ideally it would be great to
10 have it by December so we could visual for calendar year 2020
11 and the secretaries for other boards would be able to, you
12 know, get it out to all of their current members for them in
13 enough time.

14 CHAIR MACARIO: Okay.

15 MEMBER GADARIAN: But the annual update for elected
16 officials, according to this, is due from January 1st to April
17 15th.

18 MS. VICENS: That is correct.

19 MEMBER GADARIAN: So I -- I know that elected
20 officials like to get it out of their way if they have that
21 information from their tax people.

22 CHAIR MACARIO: Sure.

23 MEMBER CURTIS: So this is Bill again. My question
24 is, is -- can this be moved from the PIG to the body as a
25 whole next month to comment upon and maybe adapt?

1 CHAIR MACARIO: I don't know the answer to that.

2 Gary?

3 MR. MURAI: Well, we're -- we're discussing it now,
4 I mean, it's on the -- it's on the agenda, so you may -- you
5 may discuss it now. It's just that when the permitted
6 interaction group -- well, the permitted interaction group is
7 an exception to discussions in an open session. You are free
8 to discuss the matter now, agree to changes or tentatively
9 agree to changes or give -- give Sara guidance or
10 recommendations and then the committee can meet on its own.
11 But if the committee is ready to put the -- a final draft on
12 the -- on the calendar for review and approval in November,
13 that's -- that's doable.

14 MEMBER CURTIS: So this would give everybody a month
15 to look at it and by the time we meet next month, after you've
16 had a chance to dig into it and look at the old one and
17 compare it to this one.

18 MR. MURAI: Yeah. So if the -- if the board has --
19 you know, after seeing the -- this draft, if the board has any
20 further comments or guidance or questions for the permitted
21 interaction group, you know, this is --

22 MEMBER GADARIAN: Okay. Perhaps I can clarify where
23 the bulk of the changes came from and that would be one typo
24 on the -- on the first page where it says, Interim new
25 information -- any changes on previous FDS form must be

1 submitted, the word submitted rather than submit. There were
2 no substantive changes on the first page. Primarily for
3 consistency where it was bold and upper case and all -- all
4 put together.

5 The areas where it was Source of Income, there was
6 quite a bit of discussion among the committee and so the main
7 thing is where you get down to, first of all, saying in bold,
8 occupation for previous calendar year, bold.

9 I have a question about the -- where it's saying,
10 Business name and address, if any, if self-employed; that
11 doesn't make sense to me. So there were changes there that --
12 that wording doesn't make sense, so that -- we may have to
13 look at that.

14 But then when we're in to Filer, it specifically
15 asks for job title and the nature of the business or
16 organization, and then the name and address would be in the
17 middle. So the word job title rather than just occupation.
18 That's the substance of changes there.

19 On Item 2 on the next page, to me, it did indicate
20 talking about the previous year, but I have a question about,
21 What did -- do you do to receive income? That is, to me, a
22 confusing question, so --

23 MS. VICENS: If I may.

24 MEMBER GADARIAN: Yes.

25 MS. VICENS: Sara, it is, What did or do you do, you

1 know, do to receive income.

2 MEMBER GADARIAN: Okay.

3 MS. VICENS: The majority of the changes were small
4 changes to language --

5 MEMBER GADARIAN: Yes.

6 MS. VICENS: -- throughout the document. Bold using
7 to bring those things to attention that we saw consistent
8 error when using the form. Example, check box if none, you
9 know, it said check here and it was -- people were confused
10 about it. So it's check the box if there is none. You know,
11 just keep it really clean and simple.

12 I would -- we could go through this and we could
13 highlight and redline it and I can send it to you, or if you
14 have any feedback, you know, mark it up and then our group can
15 look at it and aggregate it all and then present what we hope
16 would be a final in November for December distribution.

17 MEMBER WEISS: This is Dave. The only thing I
18 recommend short of submitting it on the redline is, you know,
19 this available online in a fillable PDF, maybe we should put
20 that right on the top. Because I have a third handwriting and
21 I didn't realize it -- actually, third graders probably have
22 much better writing. But if we did it right up here and say,
23 This is available online, fillable PDF, it might save a lot of
24 headaches trying to figure out --

25 MEMBER CLAYTON: In a link, yeah.

1 MEMBER WEISS: -- what they're saying. But right
2 like immediately right on top.

3 CHAIR MACARIO: I think that's a good suggestion. I
4 know that I didn't realize until last year that it was a
5 fillable PDF and I'd been printing it out and hand writing it
6 too, so that's a good suggestion.

7 Any other suggestions or comments? I do think the
8 layout looks really good. I remember what this looked like
9 when I first joined the board and I think it's been improved
10 significantly over the years both in layout and in
11 understanding. I think it's easier to understand now, so
12 kudos to all of you.

13 Is it feasible to have a roughly final version of
14 this for review and consideration at our next meeting, do you
15 think?

16 MS. VICENS: I can commit to it as long as I have
17 any of your feedback, suggested changes -- email is really
18 great -- and then I just take all of that as well.

19 I think there is one thing that is -- that Rachel
20 brought to our attention. If you'll notice on Item No. 2, we
21 actually swapped -- we reversed the columns. The first column
22 says Type of Income or Services Rendered, so this actually was
23 in column 2, we -- Rachel brought to our attention that it was
24 more consistent with Item No. 1 if we did that, so that was
25 really -- if anybody was really going, Wait a minute, that

1 would be something that was, you know, a bigger change than
2 most of what's in the document.

3 CHAIR MACARIO: Yeah, I would agree that's a good
4 suggestion as well.

5 Okay. Well, why don't we just sort of --

6 MEMBER GADARIAN: Sorry, I had a -- I have a
7 question. In that -- in the draft on the last page, it --
8 Must be original signature, not electronic, so that's --
9 that's a new addition and so if you have a PDF form, what
10 happens?

11 MEMBER CURTIS: You have to print it out anyway and
12 submit it.

13 MS. VICENS: Yes.

14 MEMBER WEISS: So you would just print it out and
15 sign it, because it has to be submitted to the -- Cory, but at
16 least it's legible.

17 MEMBER CURTIS: But it makes all -- everything you
18 enter typeset rather than hand printed.

19 CHAIR MACARIO: In other words, you can fill it out
20 using your keyboard, but then you still have to print it and
21 sign it and turn in the original. Does that make sense?

22 MEMBER GADARIAN: Okay. So --

23 MEMBER PHILLIPS: And from the document that I was
24 working off of and saw, that was -- has been there all along.

25 MEMBER WEISS: That is common these days, going more

1 with electronic signatures. At especially the state level,
2 you just type your name and use the seal and everything, but I
3 don't think we're to that. Right?

4 CHAIR MACARIO: We don't have that.

5 MEMBER WEISS: But certainly fillable, print out,
6 sign, submit to (inaudible).

7 MR. MURAI: This is Gary. One of the things that --
8 we're going to talk about this some more later, but one of the
9 things I learned at the state board of ethics conference was
10 it's either the city or the state that allows for electronic
11 filing of your financial disclosure statement.

12 MEMBER WEISS: I believe it's the state on that.

13 MEMBER CURTIS: It is the state.

14 MR. MURAI: Yeah.

15 MEMBER CURTIS: I filed electronically.

16 MR. MURAI: And so that's like next step or next
17 level for us, you know, in the future. Once -- you know,
18 first things first; right? You know, let's get our form
19 updated and one thing to consider in the future might be
20 going -- going to electronic filing, which would be -- which I
21 hope, you know, encourages people to file more timely. It'll
22 certainly decrease the amount of work for our staff and even
23 for you folks, you know, I think it'll help things a lot too.
24 And if you -- you know, and if you file -- if we can set up
25 for electronic filing, that should even further reduce

1 mistakes, because, you know, it can be set up where if you
2 don't fill it out properly, you can't move on to Block No. 8
3 until you've correctly filled out Block No. 7. So in the long
4 run, something like that, I think, is a good thing because
5 it'll eliminate the need to send disclosures back to the
6 filers because they made mistakes that really could've been
7 caught sooner.

8 CHAIR MACARIO: Okay. Great. So if I --

9 MEMBER GADARIAN: Thank you. This is Sara. Thank
10 you, everybody.

11 CHAIR MACARIO: This is Matt. So if I add this as
12 an agenda item on next month's meeting, I'll confer with Sara
13 and Cory and make sure that we're at a point where it makes
14 sense to do that, but I think our goal should be to try and
15 get a final version for approval next month.

16 MEMBER CURTIS: Maybe -- this is Bill. Get Cory any
17 comments at least a week before the meeting?

18 CHAIR MACARIO: Oh, at least, yeah. The sooner the
19 better, because usually a week before it's -- we're already
20 working on the agenda, if not completing it, so --

21 MEMBER WEISS: It'll be sent out in an editable Word
22 doc and you can redline and --

23 MS. VICENS: Yes, yes.

24 MEMBER WEISS: Okay. Great.

25 CHAIR MACARIO: All right. Any other discussion on

1 this topic?

2 (No response.)

3 CHAIR MACARIO: Thank you to all the PIG members for
4 your hard work on this, it's really appreciated. I know
5 Sara's kind of the -- the one spearheading it, too, and has
6 been for many years, so thank you, Sara.

7 The next item on our agenda is New Business,
8 Financial Disclosure Statements: None.

9 Communication Items: None.

10 Item 5.c on our agenda is Request For Advisory
11 Opinion No. 19A-10. This is a request originally made by
12 Chair Kelly King regarding procedures for mass mailings.
13 Excuse me. Subsequent to having this being placed on our
14 agenda, we received a notice from Chair King's office that she
15 was withdrawing the request, so I think there's probably
16 nothing we need to do at this point other than to acknowledge
17 that.

18 Is that right, Gary?

19 MR. MURAI: Yes.

20 CHAIR MACARIO: All right. So Request for Advisory
21 Opinion No. 19A-10 has been withdrawn by the requester.

22 So moving on to our next item, 5.d, Request For
23 Advisory Opinion No. 19A-11 dated September 20th, 2019 --
24 excuse me -- From Leilani Pulmano.

25 Ms. Pulmano, you're here today; is that right?

1 MS. PULMANO: Yes.

2 CHAIR MACARIO: Sorry. Something in my throat.

3 Would you mind coming up so that we can ask you some
4 questions.

5 MS. PULMANO: Sure.

6 MEMBER CURTIS: You want a water break?

7 CHAIR MACARIO: Thank you very much.

8 MEMBER CLAYTON: Oh, it's in here. Okay.

9 CHAIR MACARIO: Okay. So, Ms. Pulmano, we have the
10 request that you submitted, thank you for that, and thank you
11 for appearing before us today. We were also just handed a --
12 it looks like a printed out email. Is this something that you
13 provided for us?

14 MS. PULMANO: Yes, I did.

15 CHAIR MACARIO: Okay. Can you just -- first, for
16 the record, just kind of explain who you are and maybe tell us
17 a little bit about your request and what this email is,
18 please.

19 MS. PULMANO: Sure. My name is Leilani Pulmano and
20 I sit on the West Maui Community Advisory Committee and I also
21 sit as a board member for Hawaii Housing Finance Development
22 Corporation. We're going through our West Maui Community Plan
23 update right now and as we are gonna be going -- reviewing the
24 growth boundaries, the urban growth boundaries in the Maui
25 Island Plan, and part of the urban growth boundary includes

1 the Villages of Leialii'i, which is owned by Hawaii Housing
2 Finance Development Corporation. And so my -- my request is
3 that I would like to know how I'm supposed to conduct myself
4 as a member of the West Maui Community Advisory Commission --
5 Committee on discretion points on Villages of Leialii'i, as
6 well as voting for any planned growth within the urban growth
7 boundary. And then just -- so what I passed out right now was
8 an advisory opinion on a conflict of interest from the
9 attorney general's office of my role for HHFC in relation to
10 the West Maui Community Plan Advisory Committee.

11 I'd just like to also note that both committees that
12 I sit on are volunteer committees.

13 CHAIR MACARIO: Okay. That's great. What financial
14 interest, if any, do you have in either of these two
15 organizations?

16 MS. PULMANO: None. No financial interest.

17 CHAIR MACARIO: And just generally, can you
18 summarize what your understanding is of what the state ethics
19 commission determined in response to your request?

20 MS. PULMANO: Well, they are basically saying that
21 sitting as a Hawaii Housing Finance Development chairperson,
22 that there should be no conflict of interest of me sitting on
23 the West Maui Community Plan or taking any action or
24 discussion on the Villages of Leialii'i.

25 CHAIR MACARIO: Okay, all right. So what we

1 typically do in these situations is give the members of our
2 board a chance to ask you any questions they may have and I'm
3 going to start that process now starting with Rachel.

4 Rachel, if you have any questions, and then we'll
5 just kind of go around the table.

6 MEMBER PHILLIPS: Not at this time.

7 CHAIR MACARIO: Okay. Thanks.

8 Dave, how about you?

9 MEMBER WEISS: I do. Does the HFC plan on any
10 development on or about Leiali'i in the near future?

11 MS. PULMANO: Well, within Leiali'i they certainly
12 do. In 2012 they -- they had a final EIS that was -- that was
13 accepted and it's a development at 1,000 units -- or, I'm
14 sorry, it's more like -- it's a 1,000 acres of property, about
15 4,000 acres -- I mean, 4,000 units.

16 HHFDC, and I'm not sure if you guys know what that
17 entity does, but it -- its mission is about affordable
18 housing, providing affordable housing statewide. And as part
19 of that, we have certain tools and mostly we have financial
20 tools, so low-income housing tax credits is part of our -- is
21 part of our purview, the dwelling unit revolving fund that the
22 state provides, the rental housing revolving fund also is part
23 of yours and mine's conveyance taxes goes into that fund. And
24 so we deploy those subsidies to developers that are providing
25 affordable housing.

1 MEMBER WEISS: And does that -- has that development
2 been approved by the community plan or is it still up for
3 review?

4 MS. PULMANO: So this is why I'm -- I'm here today,
5 just because I sit on the West Maui Community Plan, we're
6 reviewing the community plan and within that urban growth
7 boundary that the Maui Island Plan had put around there,
8 there -- I suppose we're going to be focusing on what happens
9 within that urban growth boundary.

10 MEMBER WEISS: I think -- I just want to be clear.
11 So the future development from HFDC in the Leiali'i
12 subdivision or development, has it -- it's up for review, but
13 it has not been approved yet by the -- or the community plan
14 hasn't been amended yet?

15 MS. PULMANO: That's correct. The community plan
16 has not been amended.

17 MEMBER WEISS: Thank you.

18 MS. PULMANO: You're welcome.

19 CHAIR MACARIO: Gerri, do you have any questions?

20 MEMBER LEWIS: No questions.

21 CHAIR MACARIO: Okay. How about you, Sara?

22 MEMBER GADARIAN: No. Thank you.

23 CHAIR MACARIO: Donna?

24 MEMBER CLAYTON: Thanks for the explanation of HFDC,
25 I really didn't know what all you did, so that's interesting

1 to me.

2 Do you have -- where do you work? You still work at
3 Goodfellow?

4 MS. PULMANO: I do. I work for Pacific Rim Land --

5 MEMBER CLAYTON: Right.

6 MS. PULMANO: -- which is related with the
7 Goodfellow family.

8 MEMBER CLAYTON: So do you have the -- does
9 Goodfellow Brothers have any projects in the West Maui area
10 that you -- I'm not sure if that's relevant in this, because
11 it just talks about HFDC, but it seems to me it might be good
12 to guide her if there's anything else that comes up that is in
13 development out there.

14 MS. PULMANO: We do own property in West Maui --

15 MEMBER CLAYTON: Right.

16 MS. PULMANO: -- but nothing in -- that's in
17 development stages. It's already been built out.

18 MEMBER CLAYTON: Yeah. So nothing that would come
19 up for you to vote on?

20 MS. PULMANO: Correct.

21 MEMBER CLAYTON: Okay. That's -- yeah.

22 MS. PULMANO: And that would be clear to me. I
23 would not --

24 MEMBER CLAYTON: You would know not to, yeah.

25 MS. PULMANO: Yes. I would not have a discussion or

1 as well as be voting on anything that -- if our -- our company
2 had an affiliation with, I would recuse myself.

3 MEMBER CLAYTON: Good.

4 MS. PULMANO: That's very clear to me.

5 MEMBER CLAYTON: 'Cause that's our issue here --

6 MS. PULMANO: Oh, yes.

7 MEMBER CLAYTON: -- is to make sure you understand,
8 you know, that that would be important to do.

9 MS. PULMANO: Yeah. I'm just concerned because
10 this -- this is a volunteer --

11 MEMBER CLAYTON: Right.

12 MS. PULMANO: -- committee that I'm on --

13 MEMBER CLAYTON: Right.

14 MS. PULMANO: -- for the county and a volunteer
15 committee that I'm on on the state and I didn't want to have
16 any perceived conflict of interest on either, on either side.

17 MEMBER CLAYTON: Right. Yeah. Thanks for coming.
18 That's all I have.

19 CHAIR MACARIO: Thank you, Donna.

20 Bill, any questions?

21 MEMBER CURTIS: No questions.

22 CHAIR MACARIO: Okay. I don't think I have any
23 other questions, either.

24 Gary, do you?

25 MR. MURAI: Yeah. Leilani, can you tell us briefly

1 about CPAC? You know, I know that it develops a community
2 plan update, but is it just advisory or does -- what kind of
3 authority does it have, you know, or let's say the CPAC comes
4 up with a recommendation or proposal, who else has to approve
5 it above? Like does the county council need to approve that
6 and -- if you could walk the board through that.

7 MS. PULMANO: Sure. Of course. Thank you for that,
8 that is -- that's a really big factor in this.

9 We are an advisory group that then puts -- that puts
10 together a plan forward for the planning commission to review.
11 And then the planning commission will review our work and make
12 changes or keep as-is or do some amendments and then send it
13 up to the council and they will do their work and approve the
14 plan or not approve the plan. So it's a -- it's a two-year
15 process, as I understand it, altogether.

16 MR. MURAI: Does the planning director have any say
17 in this?

18 MS. PULMANO: I think the planning director puts
19 forth all of the work and we would review the draft plans that
20 they prepare, draft policies as well as the draft actions, and
21 then -- they're integral in the fact that they're facilitating
22 the conversation, they're facilitating the work, they're --
23 they're doing all of the heavy lifting.

24 MR. MURAI: Okay. So it's fair to say, then, once
25 CPAC makes its recommendations, there's at least two more

1 levels of review and approval: first the planning commission,
2 then the county council.

3 MS. PULMANO: Certainly.

4 MR. MURAI: Okay.

5 MS. PULMANO: And then -- and any development, you
6 also have multiple layers of land use entitlements that a
7 project needs to go through. So there's community plan,
8 there's the state -- state land use district, as well as the
9 zoning, and if you're in the SMA, you have special management
10 area rules to abide by; so there's a lot more to it than just
11 the community plan before a development moves forward.

12 CHAIR MACARIO: Well, I think you're to be -- you
13 are to be commended for raising this issue and coming before
14 us, so thank you for doing that.

15 At this point, if no one has any other additional
16 questions, I'm going to solicit a motion.

17 MEMBER CLAYTON: This is Donna. I move to issue an
18 opinion that there's no conflict with her position on the
19 GPAC, CPAC, and the HF -- HHFDC board of directors.

20 CHAIR MACARIO: All right. Thank you, Donna.

21 Is there a second?

22 MEMBER PHILLIPS: I second. Rachel.

23 CHAIR MACARIO: Okay. Rachel was the second. Any
24 discussion on that?

25 (No response.)

1 CHAIR MACARIO: I think any advisory opinion that we
2 might issue would typically have language to the effect of,
3 While we don't see a conflict at this time, should one
4 develop, you're encouraged to come back before us and raise
5 any new issues.

6 Is that our usual language, Gary?

7 MR. MURAI: Typically, yes.

8 CHAIR MACARIO: Okay.

9 MR. MURAI: And one other thing the board may want
10 to consider, and I know their motion on the floor right now is
11 for a finding of no conflict, does the board have any
12 instructions to Ms. Pulmano about whether -- for example,
13 should a matter affecting HHFDC come before CPAC, do you think
14 she needs to disclose that, her relationship with HHFDC? In
15 other words, not that she cannot participate in discussion or
16 vote, but should she disclose that, Oh, by the way, this
17 affects another committee that I sit on?

18 MEMBER CURTIS: I believe that would be --

19 MEMBER CLAYTON: Appropriate.

20 MEMBER CURTIS: -- appropriate.

21 MR. MURAI: Okay.

22 MEMBER CURTIS: This is Bill.

23 CHAIR MACARIO: Does anyone disagree with that?

24 (No response.)

25 CHAIR MACARIO: I think that's a reasonable request.

1 All right. Assuming there's no further discussion, all in
2 favor of the --

3 MS. PULMANO: Actually, I have a clarification on
4 that.

5 CHAIR MACARIO: Okay. Sure.

6 MS. PULMANO: Because now that you've just said
7 that, it sort of brings up an actual project that HHFDC has
8 actually put out a request for a proposal for that's within
9 this urban growth boundary that we will be -- we issued the
10 request for a proposal, it's the Kiawe Street Apartments at
11 Leiali'i, it's a 200-unit multifamily affordable housing
12 project that's -- the legislature has also approved to move
13 forward and submitted some funding for. There's about \$35
14 million to move that project forward in funding at this point.
15 That project will be coming before us for approval of the --
16 of the funding. So the legislature has appropriated the
17 funding to HHFDC under I believe it's the rental housing fund,
18 revolving fund, and we will then issue -- issue that loan to
19 the developer. And that is within the urban growth boundary
20 community plan area that we'll be looking at. So you're
21 suggesting that when that comes before us at HHFDC, that I
22 disclose that I sit on the community -- West Maui Community
23 Plan?

24 MR. MURAI: No, no. The other way around. In other
25 words, if you're in a CPAC meeting --

1 MS. PULMANO: Yes.

2 MR. MURAI: -- and the -- you know, and an HHFDC
3 matter should come before CPAC.

4 MS. PULMANO: Which is the Villages of Leiali'i.

5 MR. MURAI: Right.

6 MS. PULMANO: Okay.

7 MR. MURAI: So should a matter come before CPAC --

8 MS. PULMANO: Yes.

9 MR. MURAI: Now, all -- I think my understanding is
10 what the board is suggesting is you simply disclose that, Oh,
11 by the way, I'm also chair of HHFDC and -- in other words,
12 just to disclose that so people are aware. In other words,
13 the board is inclined to find that -- what's on the table now
14 is that the board's finding that you do not have a conflict,
15 but more for your own protection --

16 MS. PULMANO: Sure.

17 MR. MURAI: -- to just say, Hey, by the way, I'm
18 also the chair of HHFDC, and that should be sufficient.

19 MS. PULMANO: So I have disclosed that, but are you
20 suggesting that I disclose it at the -- at the time that that
21 comes before us, that specific urban growth boundary comes
22 before us?

23 MEMBER CURTIS: On the state level? Under the state
24 commission?

25 MS. PULMANO: No. On --

1 MR. MURAI: No. We're -- I'm sorry.

2 MEMBER CURTIS: We're only talking CPAC; right?

3 MS. PULMANO: Right.

4 MR. MURAI: We're only talking about CPAC, right.

5 MS. PULMANO: Right.

6 MR. MURAI: Yeah, yeah.

7 MS. PULMANO: Because of that urban growth boundary
8 will come before us to specifically talk about that, that
9 area, so at that time you're suggesting that I disclose that?

10 MR. MURAI: Yes.

11 MS. PULMANO: Okay.

12 MR. MURAI: Yeah.

13 MS. PULMANO: Okay. Thank you.

14 Thank you.

15 CHAIR MACARIO: All right. Thank you again.

16 So with that said, any further discussion?

17 (No response.)

18 CHAIR MACARIO: Do you have what you need to write
19 this?

20 MR. MURAI: I think so.

21 CHAIR MACARIO: Okay. All in favor of issuing an
22 advisory opinion as noted with our discussion, say "aye."

23 (Response.)

24 CHAIR MACARIO: All opposed?

25 (No response.)

1 CHAIR MACARIO: Okay. That carries unanimously.

2 MS. PULMANO: Thank you.

3 CHAIR MACARIO: Thank you again, Leilani.

4 MS. PULMANO: I really appreciate it.

5 CHAIR MACARIO: So what will happen is the advisory
6 opinion will be drafted and it will be submitted to the full
7 board at its next meeting, which is next month, so you won't
8 be getting anything for at least a month, but, obviously,
9 you've heard how we've ruled and you can act accordingly.
10 Okay?

11 MS. PULMANO: Fantastic. Thank you.

12 CHAIR MACARIO: All right. Thank you.

13 MS. PULMANO: I appreciate your time.

14 MR. MURAI: Thank you.

15 CHAIR MACARIO: All right. So the next item on the
16 agenda is 5.e, An Update and Discussion on the First Hawaii
17 State Ethics Commission Conference Attended By Board Members
18 and Staff in September on Oahu. Again, this conference was
19 attended by myself, Sara, Dave Weiss, Gary, and Cory. And I
20 didn't really know what to expect, but I found it very, very
21 interesting, actually, surprisingly so. One of the things
22 that I learned is that Maui County and, actually, a lot of the
23 Neighbor Islands have a very different resource structure
24 compared to Honolulu and the state. You know, one thing that
25 just blew me away is that other boards have their own staff of

1 investigators to kind of like go in and look up what's going
2 on and they have people that can research and, meanwhile,
3 we're limited to Cory and Gary, who will have many other
4 responsibilities as far as corp. counsel's office. So there's
5 a huge budgetary gap between what we have and a lot of the
6 other jurisdictions. I think Kauai and Hawaii County are
7 pretty similar --

8 MR. MURAI: Right.

9 CHAIR MACARIO: -- to us in that respect.

10 MR. MURAI: Right. They're -- we and the other
11 smaller -- you know, and Kauai and Big Island, we're more
12 reactive, we have to receive a complaint before we act.
13 Although we do have the authority to generate our own
14 complaints, we've -- you know, we usually -- we rarely do
15 because we just lack the resources. But on the state and the
16 city level, they go out and ferret out, you know, bad
17 behavior. So, in other words, they don't necessarily rely or
18 wait for people to come to them with a -- with a complaint,
19 you know, already packaged neatly with the evidence and the --
20 you know, the facts, so that was, you know, a very -- for me,
21 a huge, huge difference. And, I mean, I always talk about,
22 you know, board of ethics envy, you know, where, you know,
23 they have a -- they have a whole staff of lawyers,
24 investigators, clerical support, and, unfortunately, you've
25 just got me and Cory. We do the best we can with what we

1 have.

2 (Laughter.)

3 MR. MURAI: But -- but now, you know, and -- and, of
4 course, what it would probably take is for -- for someone, I
5 don't know who that would be, to say, Hey, you know, maybe
6 Maui's Board of Ethics should be more like the city or the
7 state and have our own staff and, you know, have a
8 dedicated -- dedicated staff and, you know, attorneys,
9 investigators, and that sort of thing.

10 CHAIR MACARIO: Which would be a question for the
11 council; right?

12 MR. MURAI: Yeah.

13 CHAIR MACARIO: Yeah. Okay. Go ahead, Bill.

14 MEMBER CURTIS: How many committees and -- do you
15 and Cory currently serve besides this one?

16 MR. MURAI: Well, for me, I -- I'm assigned to the
17 department of liquor, department of personnel services, I have
18 police commission, salary commission, I handle all of the
19 union grievances, all the collective bargaining stuff, and I
20 know I'm missing a department. Personnel, liquor.

21 MS. VICENS: Housing.

22 MR. MURAI: Oh, housing, yeah.

23 MEMBER WEISS: Well, I'd like to say that Matt and
24 Gary represented Maui very well and I'm sure Cory (inaudible).
25 And the state ethics, these are guys are serious, they're ex-

1 judges and -- I don't think they're -- I think they're retired
2 judges, but that's a serious thing they do, real meaty stuff.
3 It was interesting. It was very -- I was surprised, too, that
4 they could -- it's not real exciting, you know, agenda or
5 curriculum or anything, but they did do a good job of keeping
6 it going all day. It was well worth the trip.

7 MR. MURAI: Oh, no, the -- I agree. The -- you
8 know, at the state and the city level, they're -- the
9 commissions are staffed by really experienced, highly
10 qualified people. But that shouldn't intimidate us. You
11 know, one thing, I've gotta say this, after having met a lot
12 of other board of ethics members, I'd put us up against any of
13 them when it comes to our -- the board's, you know,
14 thoughtfulness, wisdom, how serious we take things and how --
15 how much thought and effort goes into crafting good opinions.
16 I'd put us up against them any day.

17 CHAIR MACARIO: Sara, did you have any thoughts or
18 comments about the meeting?

19 MEMBER GADARIAN: A somewhat -- Sara. A somewhat
20 similar reaction. I was -- the last section -- session of the
21 afternoon was dividing up into different areas of discussion
22 with small groups and I happened to be in the area that was
23 talking about public relations and how -- how the ethics,
24 board of ethics, is received by the public within their --
25 within their jurisdiction. And we -- I was happy to report,

1 as far as I was concerned, that -- that Maui County, the Board
2 of Ethics is respected, that people in the public feel free to
3 come forward with complaints and they think that it would be
4 heard. Sometimes they -- as we know, they -- they sometimes
5 give us complaints that are not within our jurisdiction, but
6 they at least feel that there's someplace to go.

7 Honolulu was very frustrated with how they're --
8 they're treated and -- and the most frustration had to do with
9 the recent Kealoha case in that they got numerous complaints
10 within county employees before all this came to the surface
11 and by the time it was investigated or whatever, the feds
12 stepped in and that was the end of it. So it was -- so
13 they -- they have grumbling among people who talked to them,
14 Why can't the board do -- of ethics do anything? You're
15 ineffective. But when it's a real crime, law enforcement then
16 is --

17 MEMBER CLAYTON: Yeah.

18 MEMBER GADARIAN: -- it goes away.

19 The other aspect that I saw was that the level of
20 fines is greater in other jurisdictions, that we have a very
21 low penalty for not abiding by the code of ethics.

22 CHAIR MACARIO: Yeah, that's true. I think at one
23 point we had to say how often we've issued fines and it's like
24 once in -- I mean, I don't know how long.

25 MR. MURAI: In forever.

1 CHAIR MACARIO: Forever, so --

2 MR. MURAI: And by ordinance, our fines are limited
3 to \$1,000. The state ethics commission said that recently
4 they set a record for fines when they fined a former -- I
5 think it was a senator, but he was fined \$50,000 for campaign,
6 you know, misappropriations, so...

7 CHAIR MACARIO: Yeah. What was it, the city or
8 the -- it was either Honolulu or the state that actually has a
9 hotline, it's like an attorney who staffs a phone line
10 twenty -- you know, during the workday for any employee who
11 has an ethical question and wants an answer right away.
12 That's just something we don't have, obviously, not even close
13 to it.

14 MR. MURAI: This is Gary. And earlier when we heard
15 Ms. Pulmano's request, you notice that she showed us a -- an
16 immediate opinion from the staff attorney of the day.

17 CHAIR MACARIO: Yeah.

18 MR. MURAI: And so --

19 MEMBER CURTIS: One day later, yeah.

20 MR. MURAI: Yeah. So -- and, again, it's all a
21 matter of resources.

22 MEMBER CLAYTON: Yeah.

23 MS. VICENS: I would offer also something that
24 struck me that they have really put a lot of effort towards
25 and that's the education of the staff from the blue-collar

1 worker to the professional to elected officials and it's done
2 on a regular basis. Every two years everybody is retrained on
3 board of ethics, any changes.

4 The other one that you noted, Matt, was the attorney
5 of the day and that attorney of the day has the catalog of the
6 advisory opinions to reference and they draft and they send
7 you a letter. Advisory opinions aren't -- they do very few
8 because they refer to their archived opinions to field the
9 questions. If Ms. Pulmano had a question, she could've called
10 in and said, Here's my situation, and we would reference 19A
11 or, you know, 77-01 and said, This falls within that
12 guidelines, this is what we'll use, we'll draft a letter, and
13 we'll send it to you. And there's no -- advisory opinions
14 aren't done as frequent as we see in our agendas.

15 CHAIR MACARIO: Yeah, that's interesting.

16 Go ahead, Donna.

17 MEMBER CLAYTON: This is Donna. You remember a few
18 months back we had a discussion about gifts and we had a form
19 from Honolulu that was so clear and so good. Did that kind of
20 thing come up at the meeting, that we could share each other's
21 forms and maybe not -- you know, maybe upgrade our
22 communication until we get money to train everybody every two
23 years, you know.

24 CHAIR MACARIO: Yeah.

25 MEMBER CLAYTON: If we had that -- a form that was

1 clear, I --

2 CHAIR MACARIO: I don't recall that coming up, but I
3 know you went to a forum on the --

4 MEMBER GADARIAN: Form.

5 CHAIR MACARIO: -- the disclosure forms, right, the
6 financial disclosure forms, but I don't remember whether it
7 was beyond that. But this is (inaudible) --

8 MEMBER CLAYTON: It's a good form, you know, and I
9 don't -- but we -- we could do it on our own, we could adopt
10 their form or change our form, I just think -- and I think we
11 should.

12 CHAIR MACARIO: Yeah.

13 MEMBER CLAYTON: I really like --

14 MS. VICENS: I'm going to offer if there is
15 something you'd like to see, they're -- both the state and the
16 counties, each of the counties, as clerical, in a clerical
17 position --

18 MEMBER CLAYTON: Yeah.

19 MS. VICENS: -- there was a lot of sharing on some
20 best practices. And as we continue to evolve and learn, that
21 that -- we could do that, right, the clerical staff can do
22 that. So if you have a request --

23 MEMBER CLAYTON: Yeah.

24 MS. VICENS: -- for example, the gifts --

25 MEMBER CLAYTON: Yeah.

1 MS. VICENS: -- I haven't seen that document, so it
2 would be -- I just made a note to --

3 MEMBER CLAYTON: I have it. I might have it.

4 MS. VICENS: -- ask my counterpart.

5 MEMBER CURTIS: Yeah. I'll forward it to you. I
6 found it about a year and a half ago.

7 MEMBER CLAYTON: Oh, good. You're good.

8 I thought it was really good.

9 MEMBER GADARIAN: This is Sara. This is -- that's
10 in Honolulu; correct? So this is in addition to the financial
11 statement, financial disclosure form, so they have a separate
12 form for --

13 MEMBER CURTIS: This wasn't a form, this was a guide
14 on gifts that was put out by the state board of ethics that's
15 on their website.

16 MEMBER GADARIAN: Oh, the state.

17 MEMBER CLAYTON: Yeah.

18 MEMBER CURTIS: And it said, basically, If it's
19 this, fine, and that's where we had the reference, If it was a
20 sporting event --

21 MEMBER CLAYTON: Yeah.

22 MEMBER CURTIS: -- it's, basically, not. And that's
23 what we used when we were talking about the tickets that --

24 CHAIR MACARIO: I remember that was very persuasive.

25 MEMBER CURTIS: If it's a movie or a sporting event

1 or some type of entertainment, it really wasn't appropriate.

2 CHAIR MACARIO: Yeah.

3 MEMBER CURTIS: Or most likely, it wasn't
4 appropriate, is, I think, how they phrased it.

5 CHAIR MACARIO: And that's really the kind of
6 guidance most people need, right, if they're looking for
7 whether what they want to accept is appropriate.

8 MEMBER CURTIS: Yeah.

9 CHAIR MACARIO: Examples.

10 MEMBER CLAYTON: Yeah, that was really good. And we
11 wouldn't have to think hard if we haven't done it.

12 CHAIR MACARIO: Okay, all right. So, anyway, that
13 was a -- I found it a very helpful meeting and I did get a --
14 I think all of us got a nice little packet of information with
15 all the relevant codes and rules from the various
16 jurisdictions that I'll certainly pass along to my predecessor
17 when I'm off this board. But, yes, excellent meeting.

18 Thank you, Gary, for -- and, Cory, for helping put
19 that together. And Cory also brought donuts, Krispy Kremes,
20 from Maui and that was very well received by everybody there.

21 (Laughter.)

22 MEMBER GADARIAN: I love those.

23 MEMBER CLAYTON: Uh-huh. Don't we all?

24 CHAIR MACARIO: Yeah. Well done.

25 Okay. So next item on our agenda is lobbyist

1 registration: None.

2 Announcements: None.

3 The next meeting date is here, November 13th, in
4 this room. Is there a motion to adjourn regular session and
5 move to executive session?

6 MEMBER WEISS: Chair, this is Dave. I make a motion
7 to adjourn regular session and move into the executive
8 session.

9 CHAIR MACARIO: All right. Is there a --

10 MEMBER GADARIAN: Sara. Second.

11 CHAIR MACARIO: Thank you. Any discussion?

12 (No response.)

13 CHAIR MACARIO: All in favor?

14 (Response.)

15 CHAIR MACARIO: All opposed?

16 (No response.)

17 CHAIR MACARIO: Okay. That carries unanimously.

18 MR. MURAI: Okay. Can we just take a brief recess?

19 CHAIR MACARIO: (Gavel.) Yeah. Let's just adjourn
20 for the moment.

21 (Pause in Proceedings)

22 CHAIR MACARIO: Back in regular session. Is there a
23 motion to ratify all decisions made in executive session?

24 MEMBER CURTIS: So moved. Bill.

25 MEMBER GADARIAN: Second. Sara.

1 CHAIR MACARIO: Any discussion?
2 (No response.)
3 CHAIR MACARIO: All in favor.
4 (Response.)
5 CHAIR MACARIO: All opposed.
6 (No response.)
7 CHAIR MACARIO: Okay. That carries unanimously.
8 And, finally, is there a motion to adjourn our
9 meeting for the day?
10 MEMBER GADARIAN: So moved. Sara.
11 MEMBER WEISS: Second. Dave.
12 CHAIR MACARIO: All in favor.
13 (Response.)
14 CHAIR MACARIO: All opposed.
15 (No response.)
16 CHAIR MACARIO: Amazingly, that carries unanimously.
17 All right. Thank you, everyone.
18 (The proceedings were adjourned.)
19
20
21
22
23
24
25

