

MAUI COUNTY BOARD OF ETHICS

**December 11, 2019
12:30 p.m.**

**Department of Planning Conference Room
Kalana Pakui Building
Wailuku, Maui, Hawaii**

AMENDED AGENDA

2019 DEC -5 AM 9:49

ICE OF THE
NTY CLERK

BOARD MEMBERS

**Matthew Macario, Chair
David Courson, Vice Chair
Sara Gadarian, Secretary
Rachel Phillips
Donna Clayton
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 November 13, 2019 minutes.
3. Public Testimony
4. Old Business
 - a. Financial Disclosure Statements:
NONE
 - b. Communication Items:
NONE
 - c. Review and approval of Advisory Opinion No. 19A-12 dated October 28, 2019, from LUTEY, MOANA M., Corporation Counsel, seeking guidance on the acceptance of meals or gifts and the potential violation of

Section 10-4(1)(a) of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended.

- d. Review and approval of Advisory Opinion No. 19A-14 dated November 04, 2019 from FUJITA, TRACI N. T., Director, Office of Council Services, requesting guidance on whether she may accept an invitation to a holiday party and the potential violation of Section 10-4(1)(a) of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended.
- e. Status update from Corporation Counsel regarding making County of Maui ("COM") Advisory Opinions "Public" and available on the COM Board of Ethics web page.

5. New Business

- a. Financial Disclosure Statements: Elected and Appointed
NONE
- b. Communication Items:
NONE
- c. Request for an Advisory Opinion No. 19A-13 dated October 30, 2019 from LUCERO, ANGELA, Executive Assistant to Councilmember Tamara Paltin, requesting direction prior to applying for a position on the Community Plan Advisory Committee (CPAC) on whether her employment poses a conflict of interest with being a member of CPAC.
- d. Request for an Advisory Opinion No. 19A-15 dated November 18, 2019 from SILVA, MIKE, Chair, Public Works Commission (PWC), who is also a registered professionally engineer (PE), regarding direction on any potential conflict of interests with PWC's PE members' future participation in discussions and/or voting on Street Naming Applications, when PWC member has a professional affiliation with a subdivision project related to the application.
- e. Request for an Advisory Opinion No. 19A-16 dated October 28, 2019 from PAYNE, DYLAN, member of the West Maui Community Plan Advisory Committee (CPAC), who is also a licensed Realtor associated with West Maui Land Company Inc. Real Estate Division whose brokerage firm is one of a number affiliate companies of West Maui Land Company Inc., to provide direction on any potential conflict of interests with his future participation in discussions and/or voting on issues related to lands owned by the various "affiliate" companies located within the CPAC area.

f. Lobbyist Registration:

Thongsavat, Adam

- Murray Clay, President, Ulupono Initiative's letter dated October 31, 2019, requesting removal of registered lobbyist, DATTA, ERIC KYLE as an unpaid lobbyist for Ulupono Initiative effective October 31, 2019.
- Murray Clay, President, Ulupono Initiative's letter dated October 31, 2019, requesting removal of registered lobbyist, SUNTHARO, TEERAP as an unpaid lobbyist for Ulupono Initiative effective October 31, 2019.
- Murray Clay, President, Ulupono Initiative's letter dated October 31, 2019, requesting removal of registered lobbyist, LEE, TEERAP as an unpaid lobbyist for Ulupono Initiative effective October 31, 2019.

6. Announcements

NONE

7. Schedule Next Meeting Date and Discuss Next Meeting Business

**January 08, 2020
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), the following agenda items 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 November 13, 2019 minutes.
3. Old Business
 - a. Financial Disclosure Statements: Boards & Commissions
NONE
 - b. Communication Items:
NONE
 - c. Chair's report and recommendation on Complaint No.19-05, by a member of the public against County officials alleging a violation of Sections 10-1., 10-4.1., and 10-4.1.(c) of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended.
 - d. Informal Hearing on Complaint No.19-07 by a member of the public against a County official alleging a violation of Section 10-4.1.d., of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended.
4. New Business
 - a. Financial Disclosure Statements: Boards and Commissions:
NONE
 - b. Communication Items:

NONE

5. Announcements

NONE

NEXT REGULAR MEETING

**January 08, 2020
12:30 p.m.
Planning Conference Room**

NOTE: END OF EXECUTIVE SESSION