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MAUI COUNTY BOARD OF ETHICS

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held via Blue Jeans video conference, commencing at
12:45 p.m., on July 8, 2020.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

VICE CHAIRPERSON:	DAVID WEISS
	RACHEL PHILLIPS
	DONNA CLAYTON
	GERALDINE LEWIS
	SEWARD AKAHI
	LINDA KAY OKAMOTO
	TRAVIS THOMPSON
	SHANNA WILLING

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL:	KRISTINA TOSHIKIYO
COMMISSION SECRETARY:	CORY-LYNN VICENS

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(July 8, 2020, 12:45 p.m.)

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VICE CHAIR WEISS: Okay. I think we're good. Once again, call to order the Board of Ethics, July 8th, 2020, approximately 12:45. The first item on the agenda will be roll call. Just please let us know you're here by saying aye. Donna Clayton.

MEMBER CLAYTON: Aye.

VICE CHAIR WEISS: Seward Akahi.

MEMBER AKAHI: Aye.

VICE CHAIR WEISS: Gerri Lewis.

MEMBER LEWIS: Aye.

VICE CHAIR WEISS: Linda Kay Okamoto.

MEMBER OKAMOTO: Aye.

VICE CHAIR WEISS: Rachel Phillips.

MEMBER PHILLIPS: Aye.

VICE CHAIR WEISS: Travis is here.

MEMBER THOMPSON: Aye.

VICE CHAIR WEISS: Shanna Willing.

MEMBER WILLING: Here. Aye.

VICE CHAIR WEISS: And William Curtis is excused. I am Dave Weiss, acting chair today.

Next item on the agenda, public testimony. Cory, do we have any public testimony?

MS. VICENS: Chair, we have a -- a county employee

1 on the line for an advisory opinion during executive session,
2 that is for Advisory Opinion 20A-07. Do I see that that party
3 is here? Could you please identify yourself?

4 VICE CHAIR WEISS: I'm going to go over a little --
5 once we're there, we'll go some house rules.

6 (No response.)

7 VICE CHAIR WEISS: Cory, can I do house rules while
8 we --

9 MS. VICENS: Sure.

10 VICE CHAIR WEISS: Okay. I'm going to go over some
11 housekeeping, everybody. Please mute your microphones, which
12 I believe -- when not speaking, which I believe everybody's
13 done. During the roll call I was going to -- I should have
14 asked you to state your name for the record, but I've done
15 that anyway. When voting, please signify by saying aye and
16 raising your hand. I will confirm the count and oral roll
17 call may follow if needed. For the court reporter, please
18 identify yourself when speaking, for example, This is Donna.
19 And this is -- that's for our board members. And then for
20 everybody, again, please mute your microphones when not
21 speaking. The chat feature is only used to speak to board
22 secretary Cory. If you experience any technical issues, we
23 recommend logging off, then logging on, back on again. And
24 thanks for your patience.

25 So there will be no public testimony.

1 The next item on the agenda is approval of the
2 minutes. We do not have the minutes available from the 6/24
3 meeting. We will vote that on the 8 -- on the August meeting.
4 8/19, is that it?

5 MS. VICENS: TBD.

6 VICE CHAIR WEISS: TBD.

7 MS. VICENS: 8/12 at this time.

8 VICE CHAIR WEISS: It's currently scheduled to be on
9 8/12, but we'll review them then.

10 Okay. Old Business: We have an annual and a first
11 time filing for Michael Molina. Does anybody have any
12 comments/questions on Mr. Molina's two FDS?

13 MEMBER CLAYTON: I move to accept the two financial
14 disclosures from Mike Molina.

15 MEMBER THOMPSON: Second. Travis Thompson.

16 MEMBER CLAYTON: Sorry. It was Donna.

17 VICE CHAIR WEISS: Donna and Travis. All in favor
18 of accepting Mr. Molina's financial disclosure, say aye.

19 (Response.)

20 VICE CHAIR WEISS: Any opposed?

21 (No response.)

22 VICE CHAIR WEISS: Nope. The motion carries.

23 Next item on the agenda, Communications Items: We
24 have none.

25 Number C, we're going to get an update from the TIG

1 group regarding County of Maui Gifts -- Gift Guide and that
2 would be Donna. If you could give us an update, Donna.

3 MEMBER CLAYTON: Yes. Thank you. The TIG group has
4 been working on draft Maui Gifts Quick Guide. And the TIG
5 group is Gerri and Bill and I and Matt, our former chair, was
6 willing to offer comments. Recently, he's gotten permission
7 to do that as a former chair, so he will be chiming in pretty
8 soon. And our goal, I think -- well, Gerri and I were talking
9 about November, 'cause Cory mentioned November, but I was
10 thinking it might be good if we had drafts ready in September
11 to bring to all of you so we could add your input to what
12 we've come up with and then maybe we could finalize it in
13 October so that when people are voted in in November, they
14 could be given the new gift -- I'm just suggesting that, but
15 nobody else has really agreed to it, but that seems like it
16 might be good. And I think Matt will get his info to us
17 shortly, he's willing to help.

18 Gerri, do you have anything you want to add?

19 MEMBER LEWIS: Oh, no. I definitely agree with you,
20 that's a great -- the timeline for -- that you just explained
21 is -- sounds great with me. Thank you.

22 VICE CHAIR WEISS: Yeah. I mean, we don't vote on
23 it, but I would agree that sounds appropriate.

24 Anything else, Donna?

25 MEMBER CLAYTON: No. Thank you very much.

1 VICE CHAIR WEISS: Yeah. Thank you very much.

2 And we'll move on to New Business: We have
3 Financial Statements -- Statements From Elected and Appointed.
4 We have Josiah Nishita. Do we have any comments on
5 Mr. Nishita, Nishita's?

6 MEMBER CLAYTON: I move to accept the disclosure by
7 Josiah Nishita.

8 VICE CHAIR WEISS: Do we have a second?

9 MEMBER THOMPSON: Second.

10 VICE CHAIR WEISS: All in favor of accepting Josiah
11 Nishita's FDS, say aye.

12 (Response.)

13 VICE CHAIR WEISS: Any opposed?

14 (No response.)

15 VICE CHAIR WEISS: No. Okay. Motion carries.

16 Next would be Laurent Zahnd for a Candidate For
17 Elected Office FDS.

18 MEMBER CLAYTON: I move to accept -- this is Donna.
19 I keep forgetting to say that. I move to accept Laurent
20 Zahnd's financial disclosure.

21 VICE CHAIR WEISS: Second?

22 MEMBER THOMPSON: Second.

23 MEMBER PHILLIPS: Second. Rachel.

24 VICE CHAIR WEISS: Travis second. Okay. Or Rachel.
25 All in favor of accepting Laurent Zahnd's FDS, say aye.

1 (Response.)

2 VICE CHAIR WEISS: Any opposition?

3 (No response.)

4 VICE CHAIR WEISS: Motion carries.

5 Next item, Communications: We have none.

6 Next item on the agenda, we have a Registration and
7 a Resignation For Lobbyist. First we have a registration for
8 Luis Salaveria. Do I have a motion to accept Luis Salaveria's
9 lobbyist's registration.

10 MEMBER CLAYTON: This is Donna. So moved.

11 MEMBER THOMPSON: So moved. Travis. Okay. She got
12 it.

13 VICE CHAIR WEISS: Any second?

14 MEMBER THOMPSON: Second it. Travis Thompson.

15 VICE CHAIR WEISS: Okay. All in favor of accepting
16 Luis Salaveria's lobbyist registration, say aye.

17 (Response.)

18 VICE CHAIR WEISS: Any opposition?

19 (No response.)

20 VICE CHAIR WEISS: Okay. Motion carries.

21 Next item, the resignation of Scott Nowak submitted
22 March 31, 2020. Do I have a motion to accept his resignation?

23 MEMBER THOMPSON: Move to accept. Travis Thompson.

24 VICE CHAIR WEISS: Second?

25 MEMBER PHILLIPS: Second. Rachel.

1 VICE CHAIR WEISS: Rachel second. All in favor of
2 accepting this resignation for Scott Nowak, say aye.

3 (Response.)

4 VICE CHAIR WEISS: Any opposition?

5 (No response.)

6 VICE CHAIR WEISS: Motion carries.

7 Announcements: We have one announcement regarding
8 Complaint 19-07, Schaefer and King, we are waiting for the
9 parties to agree on a date. We hope to hear on August 19th.
10 And that's an amendment to this agenda now and do we have to
11 vote to accept that or --

12 MS. VICENS: I think that's good. Approved. You
13 may want to open it up for discussion, but --

14 VICE CHAIR WEISS: Is there any discussion on that?
15 We seem to think maybe the 19th is gonna work.

16 (No response.)

17 MEMBER CLAYTON: This is Donna.

18 VICE CHAIR WEISS: Is there a conflict for anybody?

19 MEMBER OKAMOTO: This is Kay. I won't be available
20 on the 19th.

21 VICE CHAIR WEISS: Thank you, Kay. We may still be
22 able to hear it if we have a quorum. Yeah, so as long as
23 we've got five, we'll have a quorum, we'll be able to hear it.
24 I appreciate that. And, again, at this point in time, we
25 don't know if it works for both parties, there seems to be

1 some tightness in the schedule, but we will make that
2 available as soon as possible.

3 Is that correct?

4 MS. VICENS: Both parties -- Chair, both parties
5 were notified of an August 12th date. Respondent to the
6 complaint is unavailable. We've delayed this -- this
7 complaint being heard multiple times, so in the interests of
8 resolving the matter, it was suggested that we keep it within
9 the month of August. August 19th is one -- a date proposed
10 and we're waiting to hear back from both parties.

11 VICE CHAIR WEISS: I agree. At one -- at some point
12 in time we're gonna have to say show up and let's hear the
13 complaint. It's been going on for six months, eight months.

14 Travis.

15 MEMBER THOMPSON: Well, as a new guy, do we have
16 copies? I don't know -- okay.

17 MS. VICENS: You'll receive copies.

18 MEMBER THOMPSON: Okay.

19 MS. VICENS: Some of our board members, this is the
20 complaint that was filed --

21 MEMBER THOMPSON: I know not what you're speaking
22 of. Thank you.

23 MS. VICENS: Right.

24 VICE CHAIR WEISS: In the interest of saving trees,
25 maybe just get them to the new ones, 'cause I think we all

1 have them.

2 MEMBER THOMPSON: Okay.

3 MS. VICENS: Okay.

4 VICE CHAIR WEISS: And you all have good reading.

5 MS. VICENS: Chair. If there's new materials, that
6 will be transmitted to you before the -- both parties have
7 been advised of dates to get materials to the board and we
8 have that as of, I believe, it's August -- or July.

9 MEMBER THOMPSON: If I may ask, when was the
10 complaint initiated?

11 MS. VICENS: In December of 2019.

12 MEMBER THOMPSON: Oh, okay.

13 MS. VICENS: Actually, it was initiated in October
14 of 2019, the board agreed to hear it at the November meeting,
15 we missed December, the respondent's father had passed,
16 January we didn't have quorum, February --

17 VICE CHAIR WEISS: I might add that it's been --

18 MS. VICENS: It's been --

19 VICE CHAIR WEISS: -- amended several times.

20 MEMBER THOMPSON: Okay.

21 VICE CHAIR WEISS: (Inaudible.)

22 MEMBER THOMPSON: Thank you.

23 VICE CHAIR WEISS: It's been amended several times.

24 So we will -- can I ask you a question, Cory? If the 19th
25 works, will we move the 12th to the 19th?

1 Okay. So that -- the 19th -- the 12th is tentative;
2 based on the parties agreeing, it may be on the 19th. So do
3 we want to -- so why don't we -- I propose to a vote to agree
4 that if it can't happen on the 12th, it will happen on the
5 19th and -- as long as everybody's in agreement, because at
6 one point -- at some point in time we have to, you know, get
7 some closure to this.

8 MEMBER CLAYTON: Okay. So moved. Donna.

9 VICE CHAIR WEISS: Okay. I just need a second.

10 MEMBER THOMPSON: Second. Travis.

11 VICE CHAIR WEISS: Okay. All in favor, say aye.

12 (Response.)

13 VICE CHAIR WEISS: Anybody -- any objections?

14 (No response.)

15 VICE CHAIR WEISS: No. Okay. So the motion carries
16 unanimously. Okay. So tentatively, our next scheduled
17 meeting is the 12th, but based on the next vote, it might move
18 to the 19th.

19 And that would end our regular session, so at this
20 time I'll solicit a motion to adjourn the regular session and
21 proceed to executive session.

22 MEMBER PHILLIPS: I'll move. Rachel.

23 MEMBER THOMPSON: I make a motion to adjourn the
24 regular -- okay. Go ahead. Go ahead. You got it.

25 MEMBER PHILLIPS: So moved. Rachel.

1 VICE CHAIR WEISS: Was that the second or the
2 motion?

3 MS. VICENS: Rachel is making the motion, so we
4 need --

5 MEMBER THOMPSON: Yes.

6 VICE CHAIR WEISS: And did I hear second?

7 MEMBER THOMPSON: Second.

8 VICE CHAIR WEISS: Second, Travis. All in favor,
9 say aye.

10 (Response.)

11 VICE CHAIR WEISS: Any opposed?

12 (No response.)

13 VICE CHAIR WEISS: Motion carries unanimously.

14 Okay. We're going to pause the proceedings for a
15 few minutes and go into executive session. And you all have
16 the new meeting ID to go into executive session, so we'll give
17 you a few minutes to log back in. And thank you to Cory for
18 running the meeting.

19 (Pause in Proceedings: 1:00 p.m.-1:50 p.m.)

20 VICE CHAIR WEISS: Okay. We are back in regular
21 session. Is there a motion --

22 MS. VICENS: 1:50.

23 VICE CHAIR WEISS: At 1:50. Is there a motion to
24 approve?

25 MEMBER CLAYTON: So moved. This is Donna.

1 VICE CHAIR WEISS: Second?

2 MEMBER THOMPSON: Second. Okay. So we're back in
3 regular session. Can I get a motion to approve all decisions
4 made in the executive session?

5 MEMBER PHILLIPS: So moved. Rachel.

6 VICE CHAIR WEISS: Second?

7 MEMBER LEWIS: (Gesturing.)

8 VICE CHAIR WEISS: So I think we have a second. All
9 those all in --

10 MEMBER LEWIS: Second.

11 VICE CHAIR WEISS: All in favor of approving all the
12 decisions made in the executive session, say aye.

13 (Response.)

14 VICE CHAIR WEISS: There we go. Any opposed?

15 (No response.)

16 VICE CHAIR WEISS: Carries unanimously.

17 Do I have to motion to end the -- so I believe we're
18 at the end of the meeting. Can I get a motion to --

19 MEMBER THOMPSON: To adjourn.

20 VICE CHAIR WEISS: -- to adjourn at 1:55.

21 MEMBER THOMPSON: Yeah, close enough.

22 VICE CHAIR WEISS: 1:51 on the 8th of July, 2020.

23 MEMBER THOMPSON: So moved.

24 MEMBER CLAYTON: Second. Donna.

25 VICE CHAIR WEISS: All in favor of adjourning the

1 meeting, say aye.

2 (Response.)

3 VICE CHAIR WEISS: No opposed, I'm guessing.

4 (No response.)

5 VICE CHAIR WEISS: Okay. Thank you very much,
6 everybody. Well done.

7 (The proceedings were adjourned at 1:52 p.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for
the State of Hawaii, hereby certify that on July 8, 2020, at
12:45 the proceedings was taken down by me in machine
shorthand and was thereafter reduced to typewritten form under
my supervision; that the foregoing represents, to the best of
my ability, a true and correct transcript of the proceedings
had in the foregoing matter.

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

DATED this 23rd day of July, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424