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MAUI COUNTY BOARD OF ETHICS

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held via BlueJeans video conferencing, commencing at
12:30 p.m., on November 12, 2020.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

CHAIR: WILLIAM CURTIS, JR.

VICE CHAIRPERSON: DAVID WEISS

RACHEL PHILLIPS

DONNA CLAYTON

GERALDINE LEWIS (in at 12:38)

SEWARD AKAHI

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: KRISTINA TOSHIKIYO

COMMISSION SECRETARY: CORY-LYNN VICENS

1 (November 12, 2020, 12:30 p.m.)

2 * * *

3 CHAIR CURTIS: Okay. 12:30 on November 12th, the
4 Board of Ethics meetings has begun. Do roll call. We have
5 Dave, we have Rachel, we have Seward, we have Donna, we have
6 Bill, and -- at the moment, so we do have five people and a
7 quorum.

8 Is there any public testimony?

9 MS. VICENS: Chair, we do not have any public
10 testimony or any written testimony submitted.

11 CHAIR CURTIS: Thank you, Cory.

12 All right. The minutes were just being processed
13 now, so we will get last month's minutes next month, so we'll
14 skip that item for some month.

15 Old Business, Financial Disclosure Statements:
16 None.

17 Communication Items: None.

18 Old Item Business C: Disbanding the temporary
19 interaction group for the gift guide. And we have a copy of
20 the gift guide in today's package. Anything on -- Cory, this
21 will be going out?

22 MS. VICENS: Yes.

23 CHAIR CURTIS: Okay. And I want to thank Donna and
24 Gerri for their work on this and that -- that group is now
25 dissolved and the -- the guide is out and on its way just in

1 time for everybody's Christmas present.

2 MS. VICENS: Chair.

3 MEMBER WEISS: Yes, ma'am.

4 MS. VICENS: There needs to be a motion made to
5 disband the TIG.

6 CHAIR CURTIS: May I have a motion to disband the
7 TIG.

8 MEMBER CLAYTON: This is Donna. I move we disband
9 the TIG.

10 MEMBER PHILLIPS: I'll second. Rachel.

11 CHAIR CURTIS: Okay. Any discussion?

12 (No response.)

13 VICE CHAIR WEISS: If there's none, all in favor of
14 disbanding, raise your hand.

15 (Response.)

16 CHAIR CURTIS: And that's all five of us that are
17 present. Any against?

18 (No response.)

19 CHAIR CURTIS: That's zero. The TIG has been
20 disbanded.

21 Next agenda item. Old Business, D: Update from the
22 corporate counsel regarding the process of digitizing the
23 advisory opinions and the publications on the web.

24 MS. TOSHIKIYO: Hi. It's Kristie and I'm not -- I
25 don't think I'm in the picture, but I'm sitting here next to

1 Bill. Oops, wrong way.

2 CHAIR CURTIS: Here, I'll get you.

3 MS. TOSHIKIYO: Okay. I don't need to be fully in
4 the spot at all.

5 Okay. So Cory, actually, has been working on this
6 for quite some time and has a lot of updates, but, basically,
7 we are going to be putting all the advisory opinions online
8 and the goal is to make it available to the public in a very
9 easy, searchable form. I'm not quite sure how much in detail
10 you want me to get into, Cory, about the history.

11 MS. VICENS: I -- it's -- if anybody has any
12 questions, it's there for you, Kristina, regarding how we've
13 arrived and where we're at right now. I think we can move to
14 status. If anybody -- if anybody has any questions -- I know
15 our newer members, Shanna and Kay Okamoto, I don't know if
16 they really knew the background, so it was designed -- these
17 notes were designed with them in mind.

18 MS. TOSHIKIYO: Okay. So, basically, in March 2019
19 the council adopted an ordinance relating to the Maui Board of
20 Ethics to have advisory opinions to be posted online and then
21 just over a year ago at a BOE meeting there was a discussion
22 about putting these advisory opinions online. And the
23 following month, in October, corporation counsel adopted the
24 implementation of the advisory opinions as one of our fiscal
25 year 2020 goals and Goal No. 3 was adopted by the county

1 council in June 2020, which is to, again, put the advisory
2 opinions online.

3 So recently Cory was able to put online calendar
4 year 2019 and calendar year 2020 opinions as well as that
5 advisory index that you'll see in your packet today. But just
6 so everyone is aware, this is not in a searchable format and
7 that is the goal. And we're also going to be putting old
8 opinions online, but we're still in the process of
9 determining, you know, categories to make it easily searchable
10 as well as which opinions, especially the older ones, we'll
11 have to post. Because we don't have to post all of them and I
12 think that -- I haven't actually seen too many of them, but I
13 do know that the older opinions -- and this goes back to the
14 '70s, so the actual documents are not in the best shape, so
15 for them to scan it and make it into a searchable format is
16 kind of a -- the barrier that we have right now.

17 Any questions?

18 CHAIR CURTIS: Go ahead, Donna.

19 MEMBER CLAYTON: So I'm looking at the Advisory
20 Opinion Index and so is this what the public will see, and
21 then when they click on that, they will be taken to the
22 opinion that was given or the result? Or how does that work?
23 'Cause there's no results in here, just the request that I'm
24 looking at.

25 (Member Lewis joined the meeting.)

1 MS. VICENS: Kristina, if I may.

2 MS. TOSHIKIYO: Yeah. Go ahead.

3 CHAIR CURTIS: Oh, Gerri has joined the meeting. It
4 is 12:38. Hi, Gerri.

5 MEMBER LEWIS: (Gesturing.)

6 MS. VICENS: So good question, Donna. We're not
7 able to click from that document. So the document is the who,
8 what, and where, it just doesn't, you know, have the end
9 result. That's where they would go to the actual opinion
10 themselves to see what it is. And they can look at that index
11 and then they can go to the year 2019 or 2020 and see what is
12 up on the board right now.

13 Our opinions go back to 1977 with only from
14 nineteen -- two thousand -- I think it's '11 is when they
15 started to be saved as PDFs. So as I said, we right now
16 just -- this is really a formality to answer the ordinance and
17 the bill, the ordinance that was actually just passed
18 yesterday by the council to put up what we have. I'm
19 obligated at this point to put up anything for 2020, current
20 year, and anything -- per that bill, that ordinance and bill,
21 is to have everything that's prior to that. But it made 2019,
22 2020, and then we'll just continue to work backwards,
23 backwards and forward.

24 CHAIR CURTIS: We'll be able to see the opinion
25 that's summarized?

1 MS. VICENS: So Kristie and I were talking about
2 that. We do have a summary sheet that I just designed that
3 got approval by Gary and Kristina and everybody. It may not
4 go on to everyone, a summary sheet, 'cause it's additional
5 work, but I think that going forward, that it would be the
6 norm. And then as well for those -- say, the 1977, which is
7 really beat up, we would have a summary and then the actual
8 opinion right behind it, but the summary would be a really
9 readable one. Recent years are all very readable and
10 understandable.

11 The categorization, searchability, it's gonna be --
12 look different, this will look different. Right now this is
13 just a temporary placeholder until the whole project is put up
14 in a searchable, user-friendly version on our website.

15 CHAIR CURTIS: Any other questions?

16 (No response.)

17 CHAIR CURTIS: One question I had, do we need to
18 notify council that this is up because they mandated it or
19 does that automatically -- is there any kind formal
20 notification we need to give them?

21 MS. VICENS: I -- I can as a courtesy. It -- the
22 notes were prepared for yesterday, no questions were asked. I
23 think their expectation is that it is. And so, Bill, if you'd
24 like, I can draft something, a quick memo on your behalf, just
25 saying that it is -- we've put up as of November 5th the two

1 current years, current and past year.

2 MS. TOSHIKIYO: They didn't -- they didn't ask for
3 any updates or --

4 MS. VICENS: Yeah.

5 CHAIR CURTIS: They didn't make that as a
6 requirement.

7 MS. TOSHIKIYO: Did not.

8 CHAIR CURTIS: Okay. As long as they're aware.
9 Just (pause) --

10 All right. Any other discussion on this topic?

11 (No response.)

12 CHAIR CURTIS: Seeing none and there's no motion
13 needed, we'll move on to New Business, 5.A, Financial
14 Disclosure Statements. We have a new officer, Mary Kielty,
15 first-time filing, deputy director, parks and recreation. Any
16 discussion -- or can I have a motion that we accept this
17 financial disclosure for review?

18 VICE CHAIR WEISS: Chair, I'll make a motion to
19 accept Mary Kielty's financial disclosure for re -- for
20 submittal.

21 CHAIR CURTIS: Dave motioned.

22 MEMBER PHILLIPS: Second. Rachel.

23 CHAIR CURTIS: Rachel seconds. Any discussion on
24 this one?

25 (No response.)

1 CHAIR CURTIS: Okay. Hearing none, all in favor of
2 accepting -- acknowledging receipt of this financial
3 disclosure, please raise your hand.

4 (Response.)

5 CHAIR CURTIS: Opposed?

6 (No response.)

7 CHAIR CURTIS: Seeing none, unanimous.

8 New Business, Item 2, Communication Item: A memo
9 for the quick protocol guide. So this is a letter coming from
10 us to the various public officials with our guide that we
11 adapted -- adopted last month. Any discussion or comments on
12 this? I think we've -- we've adopted this as a draft, so this
13 will be going out -- or it might have been already gone out.
14 It's dated November 4th -- or 7th.

15 MS. VICENS: Chair, I did not send it out. I wanted
16 to make sure that everybody approved of the letter. So I will
17 update that November date.

18 CHAIR CURTIS: Okay.

19 MS. VICENS: It will likely go out tomorrow and this
20 will accompany the actual gift guide that you looked at in
21 Agenda Item 4.C.

22 CHAIR CURTIS: Okay. Next agenda item, Lobbyist
23 Registrations: There are none.

24 D, Discussion on how to handle boards and
25 commission/committee members who fail to submit their required

1 annual financial disclosure statements by its due date of
2 April 15th pursuant to the codes listed below. Back to
3 Christina.

4 MS. TOSHIKIYO: Oh, yes. Hi. So this has been an
5 ongoing issue with the boards and commission members not --
6 well, the majority of them do, but there are a few that even
7 with reminders from Cory -- it takes a lot of time from her
8 day to communicate with not just individual members, but also
9 the board secretaries that the financial disclosure statements
10 are overdue. And I think -- correct me if I'm wrong, Cory, is
11 it still six that we have outstanding right now?

12 MS. VICENS: (Inaudible.)

13 MS. TOSHIKIYO: Five. Sorry, Cory, you're muted.

14 MS. VICENS: We still have five outstanding.

15 MS. TOSHIKIYO: Five outstanding. So these forms
16 are due every year. So they have the ones that they have to
17 do when they initially take their oath and then they do annual
18 updates. And then Cory has included in your packet the rules
19 just in the County Code as well as in the Charter and in our
20 Rules of Practice and Procedure regarding the financial
21 disclosure statements.

22 So one issue is, of course, that it does take a lot
23 of time to chase after those who are delinquent, but, also,
24 this does give the board an update of, upon your review,
25 potential conflicts of interest on the boards and commissions.

1 So we just wanted to have the discussion of what can be done
2 already within the confines of the law for this next -- for
3 the springtime to make sure that these are submitted in a
4 timely manner. So Cory does already send out a letter to
5 every single person about their responsibilities to submit it
6 and it is due between the 1st and the 15th, so that is a --
7 April 15th, so that is a significant amount of time that they
8 have to submit it.

9 The rules do also allow us to send another letter as
10 a reminder and you'll see it in the Rules of Practice and
11 Procedure, it will be 4-101-48 under Late Filing that we can
12 issue or cause to be issued a letter, I believe, as a reminder
13 to any person.

14 And then two pages later it does discuss the penalty
15 for, which is a \$50 administrative fine and then they'd have
16 kind of a ten-day grace period and then it's \$10 a day for
17 each additional day that they haven't submitted their
18 financial disclosures.

19 So just so that we're really consistent for this
20 next time -- so the first letter, that's Step 1, will go out
21 and then Step 2, which would be a reminder letter, when do you
22 think, and we can start this discussion -- I don't know if you
23 want to lead this, Bill -- is: When should we send that
24 letter? Is it going to go out on April 16th? How much time
25 do we want to give them for the reminder?

1 And then in order to actually enforce the fines, the
2 board would have to file a complaint against all the
3 individuals that are not submitting their financial
4 disclosures. So these are just kind of things that I'm
5 throwing out there for -- at least to kind of start the
6 discussion of what we should be doing so we're not in November
7 again with still all of these outstanding disclosures.

8 VICE CHAIR WEISS: Christina, this is Dave. Is
9 there anything in the rules, I haven't read them thoroughly,
10 precluding us from notifying that -- the chair of that
11 committee or at least copy them on any late letters? I was
12 hoping to just put it on them saying, Mr. Smith on your board
13 has failed to file his FTS, can you please contact them, and
14 kind of put it on the chair of the board. Is that a
15 possibility?

16 MS. TOSHIKIYO: That is a possibility. The board
17 secretaries are already getting those updates, but I suppose
18 that's something that we can consider.

19 When you send out those initial letters, Cory, as a
20 reminder, does it go to the board secretaries as well, a copy?

21 MS. VICENS: Yes. I do cc the secretaries on those
22 individuals. I usually give them a heads-up, Your person has
23 not -- here's the list of your people, and then I cc her or --
24 yeah, there's no hims, but her on those letters.

25 VICE CHAIR WEISS: But not the chair of the

1 committee?

2 MS. VICENS: I do not cc the chair. We usually
3 don't -- well, it would be a holdover, but -- right, because
4 they vote a new chair in in April or May, but whoever it is, I
5 could. Dave, what's interesting, especially this month, is
6 that the Molokai Planning Commission, that one of the
7 individuals on that list is their actual chair.

8 VICE CHAIR WEISS: So notify the rest of the
9 members, then.

10 MS. VICENS: Well, it's her --

11 VICE CHAIR WEISS: Copy all of the members.

12 MS. VICENS: Yeah. Her and two other people, so
13 we're not -- I'm not looking to shame anybody, but it's --
14 it's -- everybody -- this year was unique, because I felt like
15 everybody should've had -- have been able to get it in in a
16 reasonable amount of time and yet here we are in --

17 VICE CHAIR WEISS: I mean, we get it, Molokai --
18 Molokai runs a little slower, but, yeah, maybe not that slow.

19 MS. VICENS: Yeah.

20 MEMBER CLAYTON: Well, hi, this is Donna. I -- I
21 think we have rules in place. I'm not sure why we haven't
22 just followed them. Is it because the -- it's hard to get
23 people on the boards and the commissions, I think it's very
24 hard to find people, but, you know, the rules say after --
25 pretty much, you know, we get that -- we give them a notice

1 and then we give them a follow-up and then there's a fine.
2 And for me, it's not a huge fine, but it would be enough to
3 kind of wake people up, I would think, to this is gonna be
4 costly, you know. Otherwise, I don't know why we have rules,
5 you know. It's all written down and it's pretty clear to me,
6 so either we drop the rules, write new rules, or follow the
7 rules, I guess that's the discussion.

8 CHAIR CURTIS: So I would suggest in the May meeting
9 we get a list of everybody that has not filed at that time.

10 VICE CHAIR WEISS: I mean, how many are outstanding
11 throughout the --

12 CHAIR CURTIS: This -- right now we've got five and
13 it's the end of November.

14 VICE CHAIR WEISS: And two of them are on Molokai.

15 CHAIR CURTIS: It would be a little more -- two are
16 Molokai, one is Maui Redevelopment Agency, and one was -- I
17 forget what the other one was.

18 MS. TOSHIKIYO: (Inaudible.) But there were 35 that
19 were received late.

20 CHAIR CURTIS: Yeah. So, I mean, I wouldn't -- or
21 whoever the chair is, maybe an informal out just directly to
22 those people and -- we talk about it in May, we just go, Hey,
23 please get us these things before our June meeting, and those
24 that don't file by the June meeting, they potential -- you
25 know, there's other remedies we have.

1 MS. TOSHIKIYO: One would be a filing of a complaint
2 by the board --

3 CHAIR CURTIS: Yeah.

4 MS. TOSHIKIYO: -- for all of the outstanding ones
5 and we could at that point enforce the administrative fines.

6 CHAIR CURTIS: Yeah, but maybe be a little more
7 proactive next year and -- and reach out as a board on the --
8 in June.

9 MS. VICENS: Christina, if the steps that are
10 outlined is that we have -- before we can fine them, we have
11 to file a formal complaint for them not filing?

12 MS. TOSHIKIYO: I think that that would probably be
13 the best route, you know, for due process. And I did talk it
14 over with the first deputy and she also agreed that filing a
15 complaint would be the better way to go. It's not a
16 requirement under the rules, but I think just for due process.

17 MS. VICENS: Thank you.

18 MEMBER CLAYTON: What about if we filed a complaint
19 in May and that complaint went to them all and then the -- the
20 chair of the committee says the only way to avoid the penalty
21 that this complaint allows is to get your report in by May
22 31st or money's due April 1st or whatever. But, I mean, the
23 complaint could be the real -- sometimes you -- people get
24 tired of asking, you know, so sometimes you need a complaint,
25 if we're gonna do a complaint anyway, and then that would be,

1 Wake up, folks, we mean business.

2 VICE CHAIR WEISS: Hey, Kristina, this is Dave. Who
3 would enforce these? Because I'm projecting out a little bit.
4 If I was a committee member and I got a letter, it's \$50, if I
5 said, Aw, I'll just resign and not pay it. I hate to see that
6 happen, but is that -- is there some jurisdiction that would
7 follow them or does this just die with their committee
8 membership?

9 MS. TOSHIKIYO: (No audible response.)

10 VICE CHAIR WEISS: Did I lose her?

11 MS. VICENS: Kristina?

12 (No response.)

13 MS. VICENS: We might've lost them. So there is a
14 community -- well, Office of the Mayor, Dave, is responsible
15 for filling all of the positions. We could -- the other
16 possibility is that where -- the first thing, the first step
17 we take is that nobody receives it by -- if we don't get
18 anything by April 15th, then April 16th letters would go out
19 stating that May 15th, if it's not received by May 15th, then
20 an informal complaint with possible fines. That's the
21 language that we've used in our letters, that's the language I
22 used with these recent members to not comply or have, you
23 know, failed to even do it. And it's not only them, it's also
24 our secretaries bringing it to their chair's attention. But
25 there was the thought that when in -- when do we include the

1 community liaison who is responsible for the recruitment and
2 recommendation to council on these individuals.

3 VICE CHAIR WEISS: Yeah. What I did --

4 MS. TOSHIKIYO: Sorry. We are -- we were cut out
5 for the last three minutes. We didn't have any audio.

6 VICE CHAIR WEISS: So I was going to add on to the
7 question I asked, like what jurisdiction would collect this
8 fine? Because A) you might find someone who says, Hey, it's
9 not worth it, I'll just -- you know, I'll just resign and
10 the -- and the fine won't follow me. But I didn't see
11 anything in this FTS disclosure regarding participation -- or
12 contingent upon timely met -- or timely submittal. In other
13 words, if somebody hasn't submitted it by May 15th, they
14 couldn't participate on their committee, which then might put
15 a fire under someone to get their FTS, because if they can't
16 have a quorum, then they don't have a committee. But if it's
17 as easy as resigning from a committee to avoid \$50, you know,
18 that might become an issue and -- and/or can you notify
19 someone that if they haven't submitted their FTS by X amount
20 of days, that they cannot participate as a committee member
21 until it's been accepted by the Board of Ethics?

22 MS. TOSHIKIYO: Was that a question for me?

23 VICE CHAIR WEISS: That would be a question, yeah,
24 two part. You missed the first one, I'd ask about
25 jurisdictional, you know, over -- jurisdiction over the fine.

1 Is it a fine that is -- that runs with the -- with the person
2 or is it only as long as they're an active committee member?
3 Hence, the reason why --

4 MS. TOSHIKIYO: That's -- that's a good question. I
5 don't know the answer to that off the top of my head. I'd
6 have to look into it more.

7 VICE CHAIR WEISS: Okay. Well, that --

8 MS. TOSHIKIYO: But I think that -- I think it could
9 be an issue with -- you know, if they just resign, can we
10 still enforce? Yeah.

11 VICE CHAIR WEISS: Right. Because I think we had an
12 issue with a commissioner on the liquor board that -- that
13 there was a fine we imposed, but I think his attorney
14 contacted -- Bill, you might -- or Rachel, you guys might
15 remember this, where the attorney contacted and said, Look,
16 the guy is gonna resign from the liquor commission, will you
17 waive the fine, and we did. But I think it's two-fold: A)
18 This is -- is this basically an indelible fine, and 2) is
19 there anything -- I know -- I don't believe it's written in
20 these rules, but that would prohibit them from participating
21 if they didn't get their FTS after a certain date? And if
22 somebody really is -- wants to participate on the board, that
23 might be one more incentive. And the second part of that,
24 that if somebody cannot participate because they haven't
25 submitted their FTS, then it may pin -- affect the board's

1 ability to, you know, rally a quorum. So I don't know if it's
2 silent and you can add that in there, or if it's not in the
3 FTS disclosure, then you cannot do that. That's probably
4 another question.

5 MS. TOSHIKIYO: Okay. So that is a question that
6 I'm still doing research into, but I think -- but you're right
7 that it doesn't explicitly state that. And if it doesn't,
8 then that's something we should consider whether or not we
9 would ask for a code amendment.

10 VICE CHAIR WEISS: I mean, as much as that \$50 fine
11 is incentive, I think not being able to participate -- and I
12 don't want to use the word shaming, but: Why isn't X here
13 today? Well, they haven't submitted their FTS. It takes
14 about 90 seconds to, you know, produce, except if you're Peter
15 Martin, which his is about 15 pages.

16 MS. TOSHIKIYO: Yeah. I think Cory has a --

17 CHAIR CURTIS: Yeah. Go ahead, Cory.

18 MS. VICENS: Dave, to answer part of that question,
19 first-time filers are required to have their financial
20 disclosure statements to the Board of Ethics within 15 days of
21 approval by council before they can participate. So, really,
22 the only person that's really -- you know, may feel that is --
23 are those individuals where they're saying, Hey, you can't
24 participate until you get it in. However, with that --

25 VICE CHAIR WEISS: But they have to do -- they have

1 to do a renewal too.

2 MS. VICENS: But the other annual, we don't. But
3 even with this first-time filer, like I'm waiting on one right
4 now from the salary commission that was approved in the first
5 week of October. So it would be up to the chair and the
6 secretary to say, Hey, Joe, because you haven't filed it, we
7 can't have you participate. So for the first-time filer, yes;
8 the annual, we don't -- as Kristina said, we don't have that
9 in place.

10 VICE CHAIR WEISS: Well, look at the -- look at the
11 issues, Kristina and Bill, et al., if I'm -- if eventually --
12 if I'm delinquent, as this person is, by X amount of months,
13 to submit my FTS and it turns out there's a big conflict of
14 interest on that FTS, everything I voted on for every meeting
15 I attended could be challenged if it -- if it turns out that I
16 have a direct conflict and shouldn't have been on the board
17 anyway. And I don't know if those things are vetted. I don't
18 remember when I got vetted, if they even vetted me, but -- I
19 mean, I don't want to go back too much down a rabbit hole, but
20 I think it's really important for first-time filers, you know,
21 not to participate --

22 CHAIR CURTIS: Would it --

23 VICE CHAIR WEISS: But is this person participating
24 on the board if they're still delinquent when the rules say
25 that they have to have one submitted and accepted before they

1 participate? So if they've been in there doing it, then
2 someone's really -- fell asleep at the wheel.

3 CHAIR CURTIS: Yeah. Is there a way of going at it
4 from both angles where we send out the warning letters, but
5 maybe look at getting the code modified that if you do not
6 have a current financial disclosure statement as outlined in
7 this, you are not eligible to vote on your particular board?

8 MS. TOSHIKIYO: Yeah. And I can.

9 VICE CHAIR WEISS: Or participate.

10 MS. TOSHIKIYO: Yeah.

11 VICE CHAIR WEISS: Participate.

12 MS. TOSHIKIYO: That should be the bigger concern,
13 is, because of a lack of financial disclosure, this board
14 wouldn't be able to identify, you know, potential conflicts,
15 so -- so I think you're correct, Dave.

16 VICE CHAIR WEISS: So let's focus on that.

17 CHAIR CURTIS: Can we go out to council and ask for
18 that? How do we get it legislated?

19 MS. TOSHIKIYO: I mean, it's gonna have to be
20 introduced by the mayor's office.

21 CHAIR CURTIS: Okay.

22 VICE CHAIR WEISS: Could we, Kristina, direct a memo
23 that direction and say, These are, you know, potential issues
24 that need to be tightened up and included, and submit it to
25 the council for a full vote or something? 'Cause, actually,

1 when you really peel it back, that could be a problem,
2 especially if there's been a -- somewhat of a controversial
3 decision made and that person voted.

4 CHAIR CURTIS: That's a good point.

5 MS. TOSHIKIYO: I don't think that at this point we
6 can make that decision because we're having the discussion,
7 but if that's gonna be the suggestion for an amendment --

8 CHAIR CURTIS: It would help us on this board.

9 VICE CHAIR WEISS: That's what I mean, suggesting
10 can we -- can we get that moving? Can we get --

11 MS. TOSHIKIYO: Yeah. Yes.

12 VICE CHAIR WEISS: Can we get a memo to the mayor's
13 office, to wherever it needs to go?

14 MS. TOSHIKIYO: Yes.

15 VICE CHAIR WEISS: I think that's --

16 MS. TOSHIKIYO: Yes.

17 VICE CHAIR WEISS: I think that's the way to go, my
18 guess.

19 CHAIR CURTIS: Does there need to be a motion for --

20 MS. TOSHIKIYO: I think that we should do that at
21 the next meeting.

22 CHAIR CURTIS: At the next -- okay. Put it on the
23 agenda for next month's meeting. And the mayor versus the
24 council would be --

25 MS. TOSHIKIYO: No, because they -- the mayor would

1 introduce the bill to the council.

2 CHAIR CURTIS: Okay, okay. And we could cite as an
3 example this year, 35 unreceived at the time and as of October
4 still six outstanding or five outstanding.

5 MS. TOSHIKIYO: And I think that it would be -- the
6 vote on this issue, if that is gonna be the recommendations of
7 the board, we should bring it up at the next meeting.

8 CHAIR CURTIS: Okay.

9 VICE CHAIR WEISS: And I do not think we need to
10 limit it to first-time filers, I think it's when anything is
11 due, because if somebody's position or income or employment
12 changes, you know, within the renewal time, that they have to
13 have them in or time or they can't participate, period,
14 whether it's initial filing or renewal and assume that it
15 applies to elected officials and board participants.

16 CHAIR CURTIS: Well, we did receive a few this year
17 when the person changed their job, they updated their FTS, and
18 that's -- that is the proper --

19 MS. TOSHIKIYO: Yeah.

20 CHAIR CURTIS: -- procedure when you're appointed.

21 MS. TOSHIKIYO: Cory has her hand up.

22 CHAIR CURTIS: Okay. Cory.

23 MS. VICENS: So thank you, Dave. So what I heard
24 and I will put on the December agenda is this recommendation
25 that would go to the Office of the Mayor for amending the

1 rules, the Maui County Code, and it would include first-time
2 filers, annual filers, as well as any of those who make any
3 changes to their financial disclosures after April 15th?

4 VICE CHAIR WEISS: I think that covers it. At least
5 I think. Anybody else?

6 CHAIR CURTIS: No, I agree with you.

7 MEMBER CLAYTON: Do we want to drop the language of
8 fines and all that if we're not gonna use it?

9 CHAIR CURTIS: No, I think the fine should remain in
10 there, but --

11 VICE CHAIR WEISS: I think that -- yeah.

12 CHAIR CURTIS: But I think adding language that
13 you're not eligible to be a board or commission member if you
14 don't meet these guidelines might be more effective than a
15 fine.

16 MEMBER CLAYTON: Yeah. I think that's a good idea.

17 CHAIR CURTIS: Because the fine takes time and --

18 MS. VICENS: Chair, this -- this is very similar to
19 what happened with our attendance policy. There was an
20 attendance policy in place, we were -- all boards were to
21 report it, but because of, again, people not complying with
22 the attendance, they had to step it up and put some very
23 strict rules in place that if you didn't attend 50 percent of
24 your meetings, that Office of the Mayor can remove you from
25 that board. So it -- I don't think that this is too far from

1 similar to that. We already have the rules in place, we can
2 file an informal complaint, we can go a \$50 fine, those still
3 remain in place, what we're asking is just to be able to ask
4 for no participation until they're put in. Because you're
5 right, Dave, there is -- it's hard to get people to volunteer
6 and we're not not understanding that things come up and people
7 miss dates, but this is not a new -- new issue. Secretaries
8 before me have all said, Oh, yeah, it's ongoing and there are
9 habitual individual board members who do it year after year.

10 CHAIR CURTIS: I just find it interesting that all
11 the people that are -- almost all the people that are late
12 right now are people in charge of planning and if they can't
13 plan to file their own FTS -- these are the people planning
14 our land use.

15 VICE CHAIR WEISS: Or liquor commission or anything,
16 salary commission --

17 CHAIR CURTIS: Yeah.

18 VICE CHAIR WEISS: -- and they can't -- they
19 can't --

20 CHAIR CURTIS: Yeah. So there is a responsibility
21 to it if you want to be a board member. Just because we're
22 not paid doesn't mean we can't follow the guidelines.

23 Okay. So that's -- so we'll have this as a formal
24 agenda item for next month. Any other discussion on this
25 or -- I think that brings it to where we can talk about it

1 next month.

2 All right. Announcements for regular session:
3 None.

4 Next meeting will be December 9th, which will be a
5 Wednesday, I believe.

6 VICE CHAIR WEISS: I'll be there.

7 CHAIR CURTIS: Okay.

8 VICE CHAIR WEISS: I hope.

9 CHAIR CURTIS: And so why don't we take a five-
10 minute recess and we will -- it is 1:09 and we will recess and
11 resume in executive session in five minutes. Okay. Thank
12 you.

13 (Pause in Proceedings: 1:09 p.m.-1:19 p.m.)

14 CHAIR CURTIS: Okay. Returning to the regular
15 session of the November 12th Board of Ethics meeting. May I
16 have a motion to -- I always forget what --

17 VICE CHAIR WEISS: Accept all the -- from the
18 executive.

19 CHAIR CURTIS: Ratify all decisions made in the
20 executive session.

21 VICE CHAIR WEISS: Chair, this is Dave. I'll make a
22 motion to ratify all the decisions made in the executive
23 previous -- excuse me, the previous executive session.

24 CHAIR CURTIS: And a No. 2?

25 MEMBER PHILLIPS: And I'll second. Rachel.

1 CHAIR CURTIS: Rachel seconds. Okay. All in favor,
2 raise your hands.

3 (Response.)

4 CHAIR CURTIS: And none opposed? I don't see
5 Seward. Oh, there. Seward, if you don't object, we'll
6 consider that you approved that as well. I don't have
7 audio -- or video on you.

8 (No response.)

9 CHAIR CURTIS: All right. Thank you very much,
10 everyone, and we'll see you all next month. Have a wonder
11 week, month, and Turkey Day. It is 1:24, ending the meeting.

12 (The proceedings were adjourned at 1:24 p.m.)

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