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MAUI COUNTY BOARD OF ETHICS
STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via BlueJeans video conferencing, commencing at
12:32 p.m., on December 9, 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

GERALDINE LEWIS

SEWARD AKAHI

LINDA KAY OKAMOTO

SHANNA WILLING

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: KRISTINA TOSHIKIYO

COMMISSION SECRETARY: CORY-LYNN VICENS

1 (December 9, 2020, 12:32 p.m.)

2 * * *

3 CHAIR CURTIS: Start 12:32. The board of ethics
4 regular session December 9th, 2020, is underway. And if I
5 could have -- for those not speaking, if you can mute while
6 we're -- until you speak, that would help with everybody
7 else's audio on this.

8 So roll call, we have Linda, we have Gerri, we have
9 Dave, we have Shanna. Seward, are you here over audio?

10 MEMBER AKAHI: Yeah. Can you hear me?

11 CHAIR CURTIS: Yeah, we can hear you. Okay.

12 MEMBER AKAHI: I couldn't get my video up. Sorry.

13 CHAIR CURTIS: We have Bill. Donna is excused from
14 today. And we have Cory and Kristina also present.

15 MEMBER PHILLIPS: Hi, Bill. It's Rachel. I'm also
16 here.

17 CHAIR CURTIS: And Rachel. Okay. I don't -- there
18 we go. There you are. Okay. Thank you, Rachel.

19 MS. TOSHIKIYO: (Inaudible.)

20 CHAIR CURTIS: Yeah, we'll change it.

21 Okay. Is there any public testimony, Cory?

22 MS. VICENS: Chair, there's no public testimony at
23 this time.

24 CHAIR CURTIS: Okay. Agenda --

25 MS. TOSHIKIYO: So you can close public testimony.

1 CHAIR CURTIS: So we can close public testimony for
2 the regular meeting here.

3 Agenda Item 3, can I have a motion to review the
4 minutes of the regular meeting of October 14th?

5 MEMBER PHILLIPS: So moved. Rachel.

6 VICE CHAIR WEISS: I'll second. This is Dave.

7 CHAIR CURTIS: Okay. Any discussion on this?

8 VICE CHAIR WEISS: This is October 14th, you said?

9 CHAIR CURTIS: Yes, the regular -- the regular on
10 the 14th.

11 VICE CHAIR WEISS: I think I did. Hold on. Real
12 quickly, one of them, they -- I'm not sure which one it was.
13 The acronym FDS was FTS all through my testimony. Did that --
14 I believe that's the next one. I just wanna make sure. All
15 right. Move on. No comment.

16 CHAIR CURTIS: Okay. Anyone else any comments?

17 (No response.)

18 CHAIR CURTIS: Seeing none, I only had one comment,
19 it was on page 3 at the bottom. It says I -- "All posed?"
20 That was opposed. That's all I have. Okay. If there's no
21 further discussion, should we have a motion to accept the
22 minutes of October 14th?

23 VICE CHAIR WEISS: Chair, this is Dave. I'll make a
24 motion to accept the minutes for the record for October 14th,
25 2020, regular session.

1 MEMBER PHILLIPS: This is Rachel. I'll second.

2 CHAIR CURTIS: Okay. All in favor of the minutes,
3 raise your hand or say "aye."

4 (Response.)

5 CHAIR CURTIS: And Seward?

6 MEMBER AKAHI: (Gesturing.)

7 MEMBER CLAYTON: Okay. All opposed, raise your hand
8 or say "nay."

9 (No response.)

10 CHAIR CURTIS: Seeing none, those minutes are
11 accepted.

12 Moving to the second set of minutes for
13 November 12th, a motion to review these?

14 VICE CHAIR WEISS: Chair, Dave.

15 MEMBER PHILLIPS: So moved.

16 VICE CHAIR WEISS: Okay. Second.

17 CHAIR CURTIS: So, Dave, is this the one where you
18 might have had a --

19 VICE CHAIR WEISS: Yeah.

20 CHAIR CURTIS: -- a correction.

21 VICE CHAIR WEISS: All throughout my testimony
22 instead of -- I was using the acronym FDS, financial
23 disclosure statement, and they said FTS, so somewhere 50 years
24 from now, we probably should change that or they'll wonder
25 what we're talking about. And it's just a number of times.

1 CHAIR CURTIS: So noted. Any other comments from
2 anyone?

3 (No response.)

4 CHAIR CURTIS: Okay. Seeing none, do we have a
5 motion to, I guess --

6 MS. TOSHIKIYO: Accept with the corrections.

7 CHAIR CURTIS: -- accept this with the corrections,
8 the December 12th minutes of the regular session?

9 VICE CHAIR WEISS: This is Dave. I'll make a motion
10 to submit the minutes for the November 12th, 2020, regular
11 session into the record.

12 CHAIR CURTIS: Okay. And a second?

13 MEMBER LEWIS: Second. Gerri.

14 CHAIR CURTIS: Gerri. Okay. All in favor, raise
15 your hand or say "aye."

16 (Response.)

17 CHAIR CURTIS: All opposed, raise your hand or say
18 "nay."

19 (No response.)

20 CHAIR CURTIS: Seeing none, that passes.

21 Okay. Agenda Item 5.A, Financial Disclosures:
22 None. I'm sorry. I skipped over Old Business, 4.A, Financial
23 Disclosures: None.

24 4.B, Communication Items: None.

25 5.A, Financial Disclosures under the New Business:

1 None.

2 5.B, New Business item, A reminder for the filing of
3 the annual financial disclosure statement form, so this is the
4 memo from last month.

5 MS. VICENS: Chair.

6 CHAIR CURTIS: Oh, I'm sorry.

7 MS. VICENS: As matter of correction for the record,
8 Item 3 is Old Business, Item 4 is New Business, so you just
9 have taken that out of order. So there are no financial
10 disclosures, Item 3.A, there are none. There are no
11 communication items, 3.B. And in new business, 4.A is the
12 financial disclosure. Oh, I'm sorry. Sorry, Chair, I'm in --
13 I was looking at executive.

14 CHAIR CURTIS: So right now I'm on 5.B, New
15 Business.

16 MS. VICENS: Yes. My apologies. I was ahead of the
17 game.

18 CHAIR CURTIS: Okay. So this is the -- so this is a
19 draft -- New Business item, so we need to discuss and approve?

20 MS. TOSHIKIYO: No.

21 CHAIR CURTIS: Or just this is for general
22 information?

23 MS. TOSHIKIYO: It's a communication item to remind
24 the members about the financial disclosure.

25 CHAIR CURTIS: Oh, this is us reminding ourselves.

1 I'm sorry. This is a letter from the board of ethics
2 reminding the members of the board of ethics to file their
3 financial disclosure statements for next year.

4 MS. TOSHIKIYO: Yes. And Cory included in the
5 packet a blank one for all the members --

6 CHAIR CURTIS: Okay.

7 MS. TOSHIKIYO: -- to fill out, for their
8 convenience.

9 CHAIR CURTIS: Okay. So this is just a reminder to
10 all of us that the board of ethics requires us to file these.
11 And so you've got your reminder letter and you've got the
12 new -- or the current form. Okay. And I don't think we -- so
13 that's just a reminder to all. And so next -- in January. We
14 can turn -- you can turn these in after January 1 and no later
15 than April 15th.

16 New Business, Item 5.C, Lobbyist Registrations. We
17 have Collins, Chapman, Snow, and Gough. All right. Can I
18 have a motion to acknowledge receipt of these?

19 MEMBER PHILLIPS: I'll move to acknowledge receipt.
20 Rachel.

21 MEMBER LEWIS: I'll second. This is Gerri.

22 CHAIR CURTIS: Okay. Any discussion items on any of
23 these four lobbyists?

24 (No response.)

25 CHAIR CURTIS: I've looked up the Hawaii Public

1 Health Institute, I was just curious what that was, but I
2 think they have the nonsmoking program for the kids and it
3 looks like they're -- they might be getting into some COVID
4 things.

5 And then the amended one is a name change from
6 Monsanto to Bayer of what appears to be a previously
7 registered person.

8 Okay. Seeing no discussion, all in favor of
9 acknowledging receipt of these, say "aye" or raise your hand.

10 VICE CHAIR WEISS: I think we already did that.

11 CHAIR CURTIS: Oh, okay.

12 VICE CHAIR WEISS: I mean, aren't we just accepting
13 them for the record now?

14 CHAIR CURTIS: Yeah, I guess accepting them for the
15 record.

16 VICE CHAIR WEISS: Chair, I'll make a motion to
17 accept the four lobbyist registrations and one -- three
18 lobbyist registrations and one name change for the record.
19 This is Dave.

20 MEMBER OKAMOTO: This is Kay. I second.

21 CHAIR CURTIS: Okay. Second by Kay. All in favor,
22 raise your hand or say "aye."

23 (Response.)

24 CHAIR CURTIS: All opposed, you can now raise your
25 hand and say "nay."

1 (No response.)

2 CHAIR CURTIS: Seeing none, these four are accepted.

3 Okay. Moving on to New Business, 5.D. This is a
4 draft that came out and, again, it's just a draft, so it'll
5 return again next month, but just initial thoughts. Last --
6 earlier this year the -- the council passed some additional
7 laws or code items related to the attendance of the boards and
8 I believe what -- what we'd like to do is to piggyback on that
9 and now that it's clear that attendance should be a little
10 closely watched, we'd like to have them do the same with
11 reminding people on submitting their financial disclosure
12 statements on time and, potentially, if they don't, maybe they
13 would not be available to serve on that board till they got
14 current. Again, the concern is that we have people that are
15 not filing and they're -- you know, they may be wonderful
16 people, but if they don't turn in their disclosure statement
17 that's required, we don't where their income is coming from
18 and if they should be given a warning letter or something like
19 that. So, again, it's just some thoughts to -- and, also,
20 helps us clear our agenda so we're not -- after April, we're
21 not continuing going after people to remind them turn in their
22 forms. And there'll be some people in the executive session
23 that still haven't turned in their forms as of December.

24 VICE CHAIR WEISS: Hey, Chair, this is Dave. Is
25 Kristina on the line?

1 CHAIR CURTIS: Yes.

2 MS. TOSHIKIYO: I'm here.

3 CHAIR CURTIS: She is here.

4 VICE CHAIR WEISS: Okay. Kristina, we were talking
5 last week -- last session in regular session regarding
6 petitioning, I guess, the council to prohibit a new board
7 member from participating until the disclosure statements are
8 submitted and effectively cleared, because of a conflict down
9 the road could invalidate vote. Did we -- are we waiting for
10 approval? Because I don't -- I know this is -- this is an
11 inclusion in this letter. Unless I missed it. I don't think
12 I did, but I might have.

13 MS. TOSHIKIYO: So Ipo Mossman is the representative
14 from the mayor's office that we would be in discussions with,
15 so this is kind of opening up the conversation with the
16 mayor's office on, you know, potential proposed amendments.
17 So this is basically the introductory letter so we can get
18 this ball rolling. And if you see -- I think it's the second-
19 to-the-last paragraph lists just our thoughts on where this
20 could lead and, I guess, consequences for not filing on time.

21 VICE CHAIR WEISS: Right. But I failed to go back
22 to -- you know, if a new -- a new commission or board member
23 has been vetted by the council, that they submit this before
24 they sit in or at least before they vote on --

25 MS. TOSHIKIYO: Yes.

1 VICE CHAIR WEISS: So that was the -- yeah. I've
2 known Ipo for a long time. I didn't know where -- if he was
3 still working in the county, but there he is.

4 CHAIR CURTIS: Okay. So that captures them when
5 they first come in the door, but we also want to have
6 something to remind them to -- to do the annual update.

7 MS. TOSHIKIYO: Yes.

8 CHAIR CURTIS: That seems to be the --

9 MS. TOSHIKIYO: So this is gonna be opening the door
10 for conversation, but if you would like to include in this
11 letter those specific provisions that we would want included
12 in the legislation, we can certainly put that in.

13 VICE CHAIR WEISS: And first thing, my opinion is in
14 retrospect, we have -- it's not a lot, but there has been some
15 conflicts. I just don't want to get to the point where
16 there's a decision made and then they have to roll back
17 decisions and go backwards when somebody clearly had a
18 conflict. So I think unless -- I mean, that's my opinion, but
19 I think it should be included and at least introduced to Ipo
20 and, you know, so let him run it up the ladder.

21 CHAIR CURTIS: Yeah. And that's a good thought
22 that --

23 MS. TOSHIKIYO: Okay.

24 CHAIR CURTIS: Because there's a process where you
25 get nominated by the GET committee and then it goes to the

1 committee as a whole and -- so would the -- so right now,
2 you're not required to file until after you're appointed?

3 MS. TOSHIKIYO: I think it's 15 days, yes.

4 CHAIR CURTIS: So 15 --

5 MS. TOSHIKIYO: Yeah, 15 days after you turn in your
6 oath of office.

7 VICE CHAIR WEISS: But --

8 CHAIR CURTIS: So you'd be changing that, that
9 requirement to have it prepared prior to final confirmation?

10 VICE CHAIR WEISS: But there's nothing --

11 MS. TOSHIKIYO: No.

12 VICE CHAIR WEISS: Sorry. There's nothing
13 prohibiting them from attending and participating in a
14 meeting --

15 MS. TOSHIKIYO: Yes.

16 VICE CHAIR WEISS: -- even with these really
17 delinquent, tardy filers, so we should probably put that --
18 you know, that --

19 CHAIR CURTIS: Okay. So --

20 VICE CHAIR WEISS: -- stopgap in there.

21 CHAIR CURTIS: Okay. So it has -- it doesn't have
22 to do with the council nomination process, it would be after
23 they're nominated and approved, but before they could actually
24 serve.

25 VICE CHAIR WEISS: Yeah. I mean, there's no sense

1 to complete it before they're vetted and approved, but
2 certainly before they -- at least before they vote, but it
3 would be best to just say before they attend the meeting.

4 CHAIR CURTIS: Okay.

5 MS. TOSHIKIYO: Okay. So, basically, we would put
6 another section in this letter to Ipo, the specifics of what
7 you're gonna be asking for in terms of proposed legislation,
8 which is that they cannot sit on -- in any meetings or
9 participate until it's submitted. Is that what you're looking
10 for, Dave?

11 VICE CHAIR WEISS: Yeah. You know, I'm -- I don't
12 want to get too down a rabbit hole, but -- so somebody gets --
13 we meet once a month.

14 CHAIR CURTIS: Right.

15 VICE CHAIR WEISS: And, you know, we may get -- and
16 I don't want to, like I said, go too down the rabbit hole.
17 The fact that someone's -- they submit it and we don't see it
18 for a month, but at least that they don't participate until,
19 you know, it's -- I -- my opinion is that we don't -- they
20 don't participate in a meeting until it's been received by the
21 ethics committee, maybe we further up that because just
22 because they submit it, we haven't looked at it yet.

23 CHAIR CURTIS: Right. And it -- there's a lag
24 between when it gets submitted to when it makes our agenda --

25 VICE CHAIR WEISS: Yeah.

1 CHAIR CURTIS: -- and it becomes a discussed topic.

2 VICE CHAIR WEISS: I don't know if that's too
3 cumbersome, but --

4 MS. TOSHIKIYO: No, no, no. But just to be clear
5 that this letter, the purpose is just to open the door for the
6 conversation so that we can introduce new legislation. So
7 that's why it's kind of a little bit broad, because, you know,
8 if they have other ideas on how we can address this. But then
9 the actual drafting of the legislation would be the -- the
10 next step.

11 VICE CHAIR WEISS: Yeah, I agree. Maybe they --
12 maybe the -- maybe the paragraph is introduce one of the
13 potential problems we see and one of the potential solutions
14 would be and this is something we would like to discuss.

15 MS. TOSHIKIYO: Okay.

16 VICE CHAIR WEISS: That is just -- you know,
17 something of that nature.

18 CHAIR CURTIS: Okay. So we'll receive this -- we
19 need to add this as an agenda item next month or this just
20 goes out, this is --

21 MS. TOSHIKIYO: Well, I would like the board to
22 approve all the language --

23 CHAIR CURTIS: Okay.

24 MS. TOSHIKIYO: -- before we send it out.

25 CHAIR CURTIS: Okay.

1 MS. TOSHIKIYO: If there's any other suggestions or
2 questions, we should --

3 CHAIR CURTIS: Okay. Would we -- Dave, would you
4 want to see the suggestions or --

5 VICE CHAIR WEISS: Yeah.

6 CHAIR CURTIS: Before we send this letter.

7 VICE CHAIR WEISS: I mean, I -- with Kristina, she
8 drafts beautifully, why not just put something down there.

9 CHAIR CURTIS: Okay.

10 VICE CHAIR WEISS: It's -- because it's not
11 indelible, it's just a -- it's just a suggestion at this time.

12 CHAIR CURTIS: Okay.

13 VICE CHAIR WEISS: But I think you understand what
14 we're talking -- you know, you get the gist of it.

15 CHAIR CURTIS: Okay. Is any -- does that
16 complete -- conclude what you had to say, Dave?

17 VICE CHAIR WEISS: Yeah. I mean, Kristina, you --
18 you got that; right?

19 MS. TOSHIKIYO: Yes.

20 VICE CHAIR WEISS: Okay. Yeah.

21 CHAIR CURTIS: Okay. Any other board member? Any
22 other members have any discussion on suggestions to this or
23 (pause) --

24 (No response.)

25 CHAIR CURTIS: Okay. May we have a motion to --

1 MS. VICENS: Chair. Chair, it's Cory.

2 CHAIR CURTIS: Yeah, Cory.

3 MS. VICENS: So right now our rules have that we
4 give them a first-time notification and then there is a second
5 notification.

6 VICE CHAIR WEISS: Somebody's not muted or
7 something.

8 MS. VICENS: This is Cory. You may be hearing
9 somebody else in the background. Can you hear me?

10 VICE CHAIR WEISS: Yeah, but there's somebody
11 talking in the background.

12 CHAIR CURTIS: There's somebody in Cory's office.

13 VICE CHAIR WEISS: Oh.

14 MS. VICENS: Yeah, sorry.

15 VICE CHAIR WEISS: Okay.

16 MS. VICENS: It's just that we do a first-time
17 notification, we wait another month, we do a second
18 notification, now we can be up to three months behind. So if
19 there's any other recommendations board members would like to
20 make, I can put that in the letter as examples or suggestions
21 so they have a -- kind of an idea of where we're looking at.

22 VICE CHAIR WEISS: So I think that's what we're
23 talking about, the -- the direction is that they have one
24 submitted to the BOE before attending a meeting.

25 MS. VICENS: Is that for a new, first-time filer or

1 for an annual?

2 VICE CHAIR WEISS: I -- my opinion is first-time
3 filers.

4 CHAIR CURTIS: And my -- following up --

5 VICE CHAIR WEISS: That makes it (inaudible) --

6 CHAIR CURTIS: Following up on Cory's thought is
7 after April 15th, we could notify all of the boards of people
8 who have not filed and rather than do these reminders -- we
9 can still follow our process for the reminders, but,
10 potentially, they may want to consider them not being eligible
11 to vote after April 15th if they have not filed.

12 MEMBER OKAMOTO: This is Kay. Yes, I think that the
13 chair of the committee they're on should be notified that, you
14 know, they haven't turned anything in yet even if nothing more
15 than it just embarrasses them that they didn't turn it in.
16 But I think that the committee that they are serving on needs
17 to know at some point that the form hasn't been filed.

18 CHAIR CURTIS: My understanding is that that does
19 occur, but people still drag it out.

20 Is that -- is that a true statement, Cory?

21 VICE CHAIR WEISS: I thought last time --

22 MS. VICENS: No, Chair, that is not.

23 VICE CHAIR WEISS: Yeah, they did -- they said the
24 secretary of the board gets notified, but not the chair. I
25 think we discussed that.

1 MS. VICENS: Exactly. So the secretary is notified,
2 whether they bring that up to the attention of the chair of
3 their board or commission is left to them. And in discussions
4 with other secretaries, I haven't seen that they're doing
5 that, but I agree with Kay that I think it should be. You
6 will notice in the executive session for those who did not
7 file this time, I called out what board they were sitting on
8 and I think that will also make a difference, too.

9 CHAIR CURTIS: So on our end, could we maybe next
10 May at least have on our agenda a list of people that haven't
11 filed? Is that a solution we could do internally without
12 (pause) --

13 MS. VICENS: Yes, I can.

14 CHAIR CURTIS: Any board members have any thoughts
15 on that?

16 (No response.)

17 CHAIR CURTIS: In conjunction with the letter to the
18 mayor.

19 VICE CHAIR WEISS: I -- for some reason I didn't --
20 there was some background noise. Are you saying that if they
21 haven't filed till -- by April 15th?

22 CHAIR CURTIS: It sounds like -- from what I
23 understand, after April 15th, we let the various board
24 secretaries know who has not filed. We could take the
25 additional step and also include in our May agenda items for

1 the record -- you know, there's a follow-up process that goes
2 on, but we could certainly in May make a list of people that
3 have not filed and put it in our --

4 VICE CHAIR WEISS: Well, my --

5 CHAIR CURTIS: -- on our agenda.

6 VICE CHAIR WEISS: Yeah. My point is if we at some
7 point in time implement a rule that you cannot attend for new
8 filers, everybody will know, including the chair, Where's our
9 sixth/seventh member? Well, they haven't submitted their FDS
10 yet, so they can't attend. So that kind of takes care of all
11 the notifications if they police that that they don't -- they
12 don't participate in any meetings until they have their FDS to
13 the board, BOE.

14 MS. VICENS: Dave, I hear you and there -- just to
15 clarify, we have new filers and we have annual and both of
16 them have been negligent and failing to submit. So I think
17 there's the new filers, which would say -- if I heard you
18 correctly, is saying you can't participate at all. Then we
19 have the annual and Kay's recommendation is that on those
20 annual, that after -- starting in May, that they are listed on
21 our agenda and what commission and board. I already send out
22 a letter after April and their secretaries are notified. If
23 nothing comes before May, now they're put on the agenda and
24 their board name as well.

25 VICE CHAIR WEISS: You know, I just thought of

1 something and I'm looking at the FDS right here, is there
2 something that says -- okay. Never mind. It says, Any
3 changes to this form must be submitted within 30 days. Okay.
4 Never mind, I just answered my own question.

5 I mean, I think new filers especially, because
6 they'll be really noticeable that they haven't participated
7 yet, but the second follow-up to the annual, I agree with
8 that.

9 MS. TOSHIKIYO: Are you looking at also -- I'm
10 sorry. This is Kristina. I know you can't see me. For the
11 annual filers, if they -- the deadline is April 15th, but are
12 you willing to set a secondary deadline that after that point,
13 they won't be able to sit in any subsequent meetings until
14 it's submitted? Just -- I'm tossing out some ideas here.

15 VICE CHAIR WEISS: I think -- this is Dave. Yeah, I
16 would agree to that, sure. That means people will be -- there
17 will be several -- between the chair, the secretary, everybody
18 will be -- if they're not showing up, everybody will have an
19 incentive to get on board and get these -- these forms in.

20 MS. TOSHIKIYO: Yeah. And the -- another idea out
21 there for the annual filers would be if at a certain point
22 they haven't submitted, that the board will go ahead and
23 initiate a complaint. It could be an and/or.

24 VICE CHAIR WEISS: I agree with the and/or.

25 MEMBER OKAMOTO: This is Kay again. The problem is

1 with any of them, annual or new, let's say you end up with
2 three or four who haven't submitted, now you've got a
3 committee that can't function because they can't get a quorum.
4 I mean, I think they have to submit things, but somehow there
5 needs to be -- if they don't submit after a certain time,
6 they're off the board and the council should name someone
7 else. Because you could have committees that couldn't
8 function just because, you know, three out of five or six,
9 seven people haven't submitted their form and then now the
10 board -- the committee has no quorum.

11 CHAIR CURTIS: And in a sense you may be assisting
12 the board, because you've got people that -- that just follows
13 with the attendance, you know. If they're not attending --
14 some of the people that we'll be dealing with in executive
15 session not only have not filed, but they haven't attended and
16 that's holding up a spot where you could potentially have an
17 active board member.

18 Okay. So I guess the first would be a motion to
19 send a letter to the office of the mayor suggesting them look
20 at legislation and we could offer some ideas.

21 VICE CHAIR WEISS: I think that's -- that's the
22 letter that -- that Kristina wrote, that would -- just maybe
23 amend the letter to introduce some of these other directions
24 that the board, the BOE thinks are important.

25 CHAIR CURTIS: So maybe we could add, If you would

1 like to contact the board of ethics about specifics, you know,
2 we could discuss -- you know, we'd be happy to speak with them
3 prior to them drafting legislation, you know.

4 VICE CHAIR WEISS: Hey, Chair, what about a TIG
5 group focused on this specific -- and I would participate, if
6 you think that's appropriate, just to have a group that's
7 working on this between our meetings, working with Kristina.

8 CHAIR CURTIS: That's a motion. Do I have a second?

9 I would second. Am I allowed to second a motion?

10 Audio. Do we -- Dave, I believe, has suggested a
11 motion to create a TIG group to work with potential
12 legislation in the mayor's office. Is there anyone that would
13 second that motion?

14 MEMBER LEWIS: Hi, it's Gerri. Just a little bit
15 more about the TIG group. So the TIG group would basically
16 just focus on what we're -- the deadlines; is that correct?

17 VICE CHAIR WEISS: Yeah, filing deadlines.

18 MEMBER LEWIS: Just deadlines. Well, I think
19 that's super important. I'd like to -- I'd like to second
20 that. So this is Gerri.

21 VICE CHAIR WEISS: Great. I'll be glad to take the
22 lead and whoever wants to participate.

23 MEMBER LEWIS: Yeah.

24 VICE CHAIR WEISS: But, maybe, Cory, you could put
25 it together?

1 MS. VICENS: Thank you, Dave. So -- and also with
2 the TIG, if there was any conversation that happened outside
3 of this meeting on this item, Dave and Gerri, I'm assuming
4 she's seconding --

5 MEMBER LEWIS: Yes.

6 MS. VICENS: -- and also participating --

7 MEMBER LEWIS: Yeah.

8 MS. VICENS: -- would work with the office of the
9 mayor --

10 MEMBER LEWIS: Yes.

11 MS. VICENS: -- as representatives of the board and
12 bring back these recommendations. As Kristina has said, this
13 letter is meant to open the door, we can cite an example, and
14 then the TIG can work with the community liaison office -- as
15 office of the mayor to really hammer out, as chair has said,
16 the attendance, the amended attendance. The change to that
17 came out of -- I mean, there was something in place, but
18 nobody was adhering to it. So three strikes, you're out,
19 unless you're able -- you know, so we could work with them
20 under that same principle.

21 VICE CHAIR WEISS: Right. And --

22 MS. VICENS: It just would be your time outside of
23 this group, just wanna make sure that's clear.

24 VICE CHAIR WEISS: Yes.

25 MEMBER LEWIS: Yes.

1 VICE CHAIR WEISS: I've got time now. I never had
2 time before. And I happen to know Ipo. I've known Ipo for 25
3 years.

4 MS. TOSHIKIYO: And so just to -- in order to form
5 the TIG, I just want to read straight from the Sunshine Law.
6 So it would be two or more members of the board, but less than
7 the number of members which would constitute a quorum and we
8 would have to really put on the record the scope of your
9 investigation and the --

10 MEMBER LEWIS: Yeah.

11 MS. TOSHIKIYO: -- scope of each member's authority
12 and that -- to ensure that all findings and recommendations
13 are presented to the board at the meeting and so we should set
14 a deadline of when it's going to be done. So we should name
15 who is gonna be on the TIG today and really just lay out
16 what --

17 CHAIR CURTIS: So we can have between two and four
18 members?

19 MS. TOSHIKIYO: Two to four, yeah.

20 CHAIR CURTIS: Okay. So we have two. If there's a
21 third and/or fourth person that would also be interested in
22 being included in the TIG group, you can volunteer at this
23 time.

24 VICE CHAIR WEISS: So, Gerri?

25 MEMBER LEWIS: Yes.

1 VICE CHAIR WEISS: It sounds like it's you and I and
2 that's fine and we --

3 MEMBER LEWIS: Yeah.

4 VICE CHAIR WEISS: So, Kristina, can I get with you
5 offline, can I reference you and -- as part of the TIG?
6 That -- I'm a member of the TIG, but can I work with you on
7 some of this? Or does it have to be only under official board
8 meeting.

9 MS. TOSHIKIYO: I believe you can. I can be used as
10 a reference to kind of point you in the right direction, but
11 then you and Gerri would do the bulk of the work.

12 VICE CHAIR WEISS: Yes. That's good. Okay. So --
13 and then I'll hit you up like -- do I -- can we then start
14 making contact with the liaison and say this is what we'd like
15 to do or we want -- we're gonna present it and submit it to
16 you and -- see, I don't -- that's where I'm a little -- will
17 we be working directly with the liaison or just through you or
18 the board or Cory or --

19 MS. TOSHIKIYO: So right now what you would be
20 doing, and this is where it's important to define, is that you
21 would be doing like your investigation, research, and come up
22 with suggestions and then report to the board and the board
23 can vote on it and that will go to the mayor's office.

24 VICE CHAIR WEISS: Got it. Okay. Got it.

25 CHAIR CURTIS: Okay. So we would -- in future

1 meetings, we would include the TIG as an agenda item until it
2 becomes dissolved.

3 VICE CHAIR WEISS: So I'm going to set our goal to
4 have a draft to the board by our soon-to-be-approved monthly
5 meeting of January 13th in the new -- in the new year. So we
6 will have a -- we will have a discussion and we'll get with
7 Cory to get that on the agenda.

8 CHAIR CURTIS: And so we are opening up the door
9 with this memo that we'll send out later this week?

10 MS. TOSHIKIYO: Yes.

11 CHAIR CURTIS: And then we'll follow up -- follow up
12 next month with potentially any recommendations that the TIG
13 group --

14 MS. TOSHIKIYO: Yeah. So let's take this one at a
15 time. So let's, you know, vote on and, you know, confirm the
16 TIG and then we can talk about accepting the letter with those
17 couple of suggestions that --

18 CHAIR CURTIS: Okay.

19 MS. TOSHIKIYO: -- Dave had made.

20 CHAIR CURTIS: Okay. So all in favor of forming the
21 TIG with Dave and Gerri, say "aye."

22 (Response.)

23 CHAIR CURTIS: And all opposed, raise your hand or
24 say "nay."

25 (No response.)

1 CHAIR CURTIS: Seeing none, so that's unanimous. So
2 that's been approved.

3 And rolling back to the agenda item with the draft
4 memo, all in favor -- or do I have a motion to send out this
5 draft letter with some of the minor amendments that were
6 discussed?

7 VICE CHAIR WEISS: I have one, maybe one suggestion.
8 Kristina, would it be prudent to add in this letter that the
9 board has created a TIG group and are gonna come up with
10 recommendations to be discussed at the next meeting and once
11 those have been approved by the board, we'll submit it to --

12 MS. TOSHIKIYO: Yes. That's fine.

13 VICE CHAIR WEISS: Okay. Just add that in there.

14 MS. TOSHIKIYO: I think that's (inaudible).

15 CHAIR CURTIS: So add that to the -- to this memo.

16 VICE CHAIR WEISS: Yeah. And that'll --

17 CHAIR CURTIS: Okay.

18 VICE CHAIR WEISS: That'll suffice rather than say
19 what we're looking to do, just that we're gonna do something
20 and we'll have some information to them sometime in the new
21 year.

22 MS. TOSHIKIYO: Okay. So we're accepting the letter
23 with that addition of the formation of the TIG group.

24 CHAIR CURTIS: Okay. So all in favor of submitting
25 the draft letter with the addition of the --

1 MS. TOSHIKIYO: Did you get a second?

2 CHAIR CURTIS: Oh. Is there a second to that?

3 VICE CHAIR WEISS: Dave. Second.

4 CHAIR CURTIS: And you did the first.

5 (Laughter.)

6 CHAIR CURTIS: And can I have a third just so I am
7 covered?

8 MEMBER LEWIS: Okay. It's Gerri. Third.

9 CHAIR CURTIS: Okay. So we've got -- we've got a
10 first, a second, and a third, so that gives us what we need to
11 do.

12 MEMBER LEWIS: Wonderful.

13 CHAIR CURTIS: So all in favor of sending out this
14 letter to Mr. Mossman with the addition of letting him know
15 that a TIG group will be formed, say "aye" or raise your
16 hands.

17 (Response.)

18 CHAIR CURTIS: And all opposed?

19 (No response.)

20 CHAIR CURTIS: Dave, what's the snowman behind you
21 say?

22 VICE CHAIR WEISS: I don't know. Let's find out.
23 These are all new, they come out new every day. In favor?
24 Yeah, he's got a thumbs up.

25 CHAIR CURTIS: Okay. So it is unanimous.

1 All right. We can go on to the next -- okay. The
2 Announcements, regular session Item 6. We have our schedule
3 for next year. It's tentatively listed that all of these
4 meetings will be on BlueJeans. I'm hoping by summer of next
5 year we're -- we might be able to -- or sooner.

6 VICE CHAIR WEISS: I think once we get -- once we
7 get vaccinated. Cory, are we planning to just go by BlueJeans
8 or are we gonna work to move back into -- to the room once we
9 all get inoculated?

10 CHAIR CURTIS: So, what, the mayor -- and he'll
11 probably send out something for boards in general, I would
12 imagine.

13 MS. TOSHIKIYO: It depends on what the governor and
14 the mayor --

15 CHAIR CURTIS: Yeah, the governor and the mayor. On
16 a personal note, the first batch of vaccines is coming in next
17 week, so we are -- if it makes -- it still need to be
18 approved, but they expect approval tomorrow. But I do know
19 that the -- Maui will be get some vaccines beginning next
20 week, so we'll start seeing it.

21 VICE CHAIR WEISS: Probably by summer they'll be --

22 CHAIR CURTIS: Yeah.

23 VICE CHAIR WEISS: -- generally distributed, so
24 maybe by July or August we'll be back there, hopefully.

25 CHAIR CURTIS: We can all hope. It's more fun when

1 we're all together. This BlueJeans is interesting, but I -- I
2 prefer when we're all in the same room.

3 Okay. So the next scheduled meeting will be
4 January 13th.

5 Can I have a motion to end regular session and
6 adjourn to executive session after we can take a five-minute
7 break?

8 MS. VICENS: Chair.

9 CHAIR CURTIS: It is now --

10 MS. VICENS: Chair.

11 CHAIR CURTIS: Yes.

12 MS. VICENS: Someone needs to -- I didn't hear a
13 motion to accept the schedule and for everybody to vote on it.

14 CHAIR CURTIS: Oh.

15 VICE CHAIR WEISS: Chair, this is a Dave. I'll make
16 a motion to accept the 2021 schedule for the record.

17 MEMBER OKAMOTO: This is Kay. I second.

18 CHAIR CURTIS: Okay. All in favor of adopting this
19 for the schedule for '21, say "aye."

20 (Response.)

21 CHAIR CURTIS: All opposed?

22 (No response.)

23 CHAIR CURTIS: Okay. The schedule for 2021 has been
24 accepted.

25 Now may I have a motion to adjourn -- it's 1:11. We

1 can adjourn --

2 MS. TOSHIKIYO: Recess.

3 CHAIR CURTIS: -- recess from regular session and
4 enter executive session at 1:15. May I have a motion for
5 that.

6 MEMBER OKAMOTO: This is Kay. So moved.

7 CHAIR CURTIS: So moved. Okay. A second?

8 MEMBER PHILLIPS: Second. Rachel.

9 CHAIR CURTIS: Rachel. And Shanna. Okay. We'll go
10 over to the other number in about five minutes and take a
11 quick break.

12 (Pause in Proceedings: 1:11 p.m.-1:39 p.m.)

13 CHAIR CURTIS: Calling the meeting to order, the
14 regular session, December 9th. Board of ethics resuming the
15 regular session at 1:39 p.m. May I have a motion to
16 acknowledge -- or ratify the decisions that were made in the
17 executive session.

18 MEMBER OKAMOTO: This is Kay. I move we ratify all
19 of the decisions made in the executive session.

20 CHAIR CURTIS: Thank you, Kay.

21 Second?

22 MEMBER PHILLIPS: Second. Rachel.

23 CHAIR CURTIS: Rachel seconds. Okay. All in favor,
24 "aye."

25 (Response.)

1 CHAIR CURTIS: All opposed, say "nay" or raise your
2 hand.

3 (No response.)

4 CHAIR CURTIS: Seward, you were an aye or a nay?

5 MEMBER AKAHI: I was an aye, Chair.

6 CHAIR CURTIS: Thank you, sir. Okay. That's
7 unanimous.

8 Okay. That concludes the December 9th meeting. I
9 wish everybody a happy holiday and we'll see you back in
10 January.

11 VICE CHAIR WEISS: Do we have to have a motion to
12 close the meeting?

13 MEMBER LEWIS: Happy holidays.

14 CHAIR CURTIS: What's that?

15 VICE CHAIR WEISS: Do we have to make a motion to
16 close the meeting? I think so. Chair, I'll make a motion to
17 close the December 9th, 2020 meeting at -- regular session at
18 1:41 p.m.

19 CHAIR CURTIS: Do we have a second?

20 MEMBER LEWIS: Second. Gerri.

21 CHAIR CURTIS: Okay. Then all in favor.

22 (Response.)

23 VICE CHAIR WEISS: Happy holidays. See you in 2021.

24 MEMBER LEWIS: Happy holidays, everybody.

25 (The proceedings were adjourned at 1:41 p.m.)

