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BOARD OF ETHICS

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COUNTY OF MAUI

6

REGULAR MEETING

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12 Held at the Planning Conference Room, Kalana Pakui

13 Building, Wailuku, Maui, Hawaii, commencing at 12:40 p.m.,

14 on April 12, 2006.

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25 REPORTED BY: RACHELLE PRIMEAUX, CSR #370

1 ATTENDANCE

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4 BOARD MEMBERS PRESENT:

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6 BARRY C. HELLE, CHAIR

7 ALAN KAUFMAN, VICE-CHAIR

8 TAMIO W. IWADO

9 RANDOL LEACH

10 JIM A. STEWART

11 JOHN PELE

12 NANE W. ALULI

13 JOCELYN A. BOUCHARD

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16 STAFF PRESENT:

17 JOHN KIM, DEPUTY CORPORATION COUNSEL

18 LISA KAHUHU, BOARD SECRETARY

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1           TRANSCRIPT OF PROCEEDINGS

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3           CHAIR HELLE: All right. Thank you for your  
4 patience, everybody, and it's time to start our meeting. So  
5 we would like to call to order today's meeting for Wednesday  
6 April 12th of the Maui County Board of Ethics. And the  
7 first thing I would like to do is welcome our two new  
8 members, Jocelyn Bouchard and Nane Aluli. Thank you very  
9 much for donating your time to the County, and we appreciate  
10 your being here.

11           Should we introduce everybody? I mean does  
12 everybody know -- we have Lisa is the secretary for the --

13           BOARD MEMBER ALULI: Hi, Lisa.

14           CHAIR HELLE: You guys know Lisa. All right. And  
15 John Pele is from Molokai, and Randol. Down at that end,  
16 we've got Tamio.

17           BOARD MEMBER STEWART: That's Tamio.

18           BOARD MEMBER ALULI: That's his name, Tommy what?

19           CHAIR HELLE: Jim Stewart, and I'm Barry Helle and  
20 we have got --

21 MR. KIM: J.D. Kim.

22 CHAIR HELLE: We've got our, what do you call it,  
23 our safety net over here. He keeps us out of trouble. But  
24 thank you again for joining us. I appreciate it. Hopefully  
25 you enjoy being here as much as we have. The first thing on

1 the agenda is the minutes of our last meeting of March 8th,  
2 and just the one thing if you do have a comment or whatever,  
3 we have the microphones. It helps our court reporter get  
4 everything clearly. So but at this time, I would like to  
5 see if there's a motion in regards to our minutes from our  
6 March 8th meeting.

7 BOARD MEMBER IWADO: Move to accept.

8 CHAIR HELLE: We have a motion.

9 BOARD MEMBER STEWART: I second that.

10 CHAIR HELLE: Any comments on that, corrections,  
11 deletions? Seeing none, all in favor of accepting the  
12 minutes of March 8th, please signal by saying aye.

13 (A chorus of aye's.)

14 CHAIR HELLE: Okay. It's carried. Old business.

15 In our regular session, we have no old business. We have no  
16 communication items. And the first real item on the agenda  
17 is a review for a request for an opinion from Wayne Steel,  
18 who is an employee of the County of Maui. I understand he's  
19 going to be here in a few minutes.

20 MS. KAHUHU: Shortly, yes.

21 CHAIR HELLE: Okay. Why don't we -- I would like  
22 to just to keep things moving here. Why don't we defer that  
23 until he shows up, and let's go on into the new business for  
24 now in regards to the financial disclosures listed on 5(a).  
25 And each of you in your packet should have had all of the



1 financial disclosures, and we'll entertain a motion in  
2 regards to any or all of the financial disclosures listed in  
3 5(a).

4 BOARD MEMBER IWADO: I have a question. Like  
5 Robert Carroll, the appointment --

6 CHAIR HELLE: Tamio, can you use your microphone,  
7 please?

8 BOARD MEMBER IWADO: Sorry. Just a real minor  
9 thing, but the appointment date.

10 MS. KAHUHU: That's the election.

11 MR. KIM: That's Bob Carroll?

12 MS. KAHUHU: Bob Carroll, yes.

13 BOARD MEMBER IWADO: That would be the --

14 MS. KAHUHU: The most recent election, which was  
15 not -- it was supposed to be 2004.

16 CHAIR HELLE: That would actually be his date he  
17 was inaugurated?

18 MS. KAHUHU: Yes.

19 MR. KIM: Which would have been January.

20 MS. KAHUHU: 2005, that's correct. It was 2007,

21 yes.

22 BOARD MEMBER IWADO: So you don't go back to when

23 he was first --

24 MS. KAHUHU: No, it's each new election.

25 BOARD MEMBER IWADO: Okay.

1 CHAIR HELLE: Any other comments regarding the  
2 financial disclosures listed here starting with Acob and  
3 going all the way to Eric Yamashige?

4 BOARD MEMBER IWADO: I make a motion to accept all  
5 of them.

6 CHAIR HELLE: Okay.

7 BOARD MEMBER KAUFMAN: Second.

8 CHAIR HELLE: All right. We have a second. Any  
9 further discussion? None. Let's take a vote. All in  
10 favor, say aye.

11 (A chorus of aye's.)

12 CHAIR HELLE: And that's carried. So all of the  
13 financial disclosures, again, starting with Benjamin Acob  
14 going all the way to Eric Yamashige are officially approved.  
15 Moving on, again, we're still waiting for Wayne Steel to  
16 come. We'll move on down to 5(c) on your agenda, the  
17 lobbyist registration, and this was a point of discussion in  
18 our last meeting.

19 We felt that there was a couple of different forms  
20 or formats of this lobbyist registration form floating

21 around, and I take it that corp counsel took a shot at  
22 getting us one registration form; is that correct, Lisa?

23 MS. KAHUHU: Yes, it was as stated in the last  
24 meeting, Chair, the form was just revised to put it into  
25 table form.

1 CHAIR HELLE: Okay.

2 MS. KAHUHU: It's just that some companies keep --  
3 instead of calling each year for a form, they've made a copy  
4 of the old form, so they were submitting on the old form,  
5 which has the same content, just different format.

6 CHAIR HELLE: Okay. Does anybody have any  
7 comments on this form? Or actually, I guess we should take  
8 a motion to approve this form first.

9 BOARD MEMBER ALULI: So move.

10 BOARD MEMBER KAUFMAN: Second.

11 CHAIR HELLE: Now that we have that done, is there  
12 any comments? Is it found to be satisfactory?

13 BOARD MEMBER IWADO: I think I was asking last  
14 time about putting the "County of Maui" somewhere on this  
15 form.

16 CHAIR HELLE: Okay. I think that's a good  
17 suggestion. Any other comments, positive, negative? Okay.  
18 Why don't we take a vote then with the suggested amendment  
19 or change to it that would be affixed on a form of  
20 letterhead with the official County seal on it.

21           Okay. With that, all in favor accepting that

22 form?

23           (A chorus of aye's.)

24           CHAIR HELLE: All right. Nobody against it,

25 that's passed. Are you Mr. Steel?

1 MR. STEEL: Yes, I am.

2 CHAIR HELLE: All right. Why don't we take up the  
3 issue of your request.

4 MS. KAHUHU: Excuse me, Mr. Chair, can I clarify?  
5 So for the County of Maui, are we going to add that?

6 CHAIR HELLE: Yes.

7 MS. KAHUHU: The seal?

8 CHAIR HELLE: We can.

9 MS. KAHUHU: Or just "County of Maui"?

10 CHAIR HELLE: I would think affixed like with this  
11 type of letterhead format, yeah.

12 MS. KAHUHU: Okay, that's fine.

13 CHAIR HELLE: Just so it's noted that it is a form  
14 of the County of Maui.

15 MS. KAHUHU: Okay. Thank you.

16 CHAIR HELLE: Thank you. Yeah, thank you for  
17 approaching the podium, Mr. Steel. We received your letter,  
18 and can you give us a little bit of background on your  
19 position with the County?

20 MR. STEEL: Yes. The Maui Redevelopment Agency is

21 a commission that has five appointed members by the mayor  
22 for five-year terms or volunteers. And by Statute HR 53,  
23 they have the power to hire a manager. I'm the first one to  
24 be hired as their manager. As of March 16th, it came up in  
25 a discussion of my appointment that my wife, Hana Steel, the



1 recycling coordinator, is running for Council. And should  
2 she be elected, one particular commissioner had a concern  
3 that there may be a conflict either for her or for me, and  
4 that's the basis of my letter is to determine whether or not  
5 there is a conflict and -- I can't see one for me, but I  
6 could see that there might be one for her if she were voting  
7 on my salary.

8 But I know of other instances where Council  
9 Members, for instance, have spouses who work for the County,  
10 and I'm not sure that that's ever been an ethical issue.  
11 But I need to explore it for the sake of the commissioners.

12 CHAIR HELLE: So your question to us is whether  
13 there would be a conflict in the event that your wife is  
14 elected to the County Council?

15 MR. STEEL: Correct.

16 CHAIR HELLE: Not in particular -- not in relation  
17 to whether you as a County employee would have a conflict in  
18 being the actual manager of the Redevelopment Agency?

19 MR. STEEL: Well, both sides. They had a concern  
20 about whether or not it would be a conflict for her and

21 whether or not there would be any conflict for me. The  
22 agency basically is in charge of implementing the Wailuku  
23 Redevelopment Plan, which was established by Council in the  
24 year 2000 in the Apana Administration. It's a broad  
25 question. I don't have a particular circumstance that I

1 think could be a conflict. But this is what the  
2 commissioners were concerned about, so that's why I brought  
3 it before you.

4 CHAIR HELLE: Question?

5 BOARD MEMBER KAUFMAN: Mr. Chair.

6 CHAIR HELLE: Go ahead.

7 BOARD MEMBER KAUFMAN: I think you're to be  
8 commended for your foresight in addressing this ahead of  
9 time; however, it is my understanding that this body does  
10 not address hypothetical situations, and as such, we're not  
11 going to make any ruling of determination. However, I think  
12 what we can do is refer you to the Code of Ethics.  
13 Specifically we encourage you to look at Section 10-4(e),  
14 which says, "No officer or employee of the County shall fail  
15 to disclose a financial interest in any manner which may be  
16 affected by an action of the County agency or vote on any  
17 matter affected by such interests."

18 But I encourage you to get the entire copy of the  
19 Code of Ethics and review it at your leisure, and certainly  
20 you'll want to share it with Mrs. Steel.

21 MR. STEEL: As far as the hypothetical, I can  
22 understand. And in an actual situation with my wife being  
23 on the Council, if that should come to pass, would that have  
24 any kind of conflict issue?

25 BOARD MEMBER STEWART: It would be addressed at

1 that time.

2 CHAIR HELLE: Yeah, it's been the position of this  
3 Board in the past that that's an issue that we would take up  
4 if and when that does happen.

5 MR. STEEL: So that's not something you would  
6 address at this time?

7 CHAIR HELLE: Not at this time, not at this time.

8 Mr. Stewart you had a --

9 BOARD MEMBER STEWART: No, that's just it. I just  
10 wanted to say the same thing, if she gets elected, we would  
11 address it at that time.

12 CHAIR HELLE: I'm just a little confused a little  
13 bit, too, about you are an employee within the Office of  
14 Economic Development now?

15 MR. STEEL: I come under the mayor's budget.

16 CHAIR HELLE: Okay. With responsibility towards  
17 the Redevelopment Agency?

18 MR. STEEL: Yes, I serve at their pleasure as you  
19 say.

20 CHAIR HELLE: But you're not paid by the

21 Redevelopment Agency?

22 MR. STEEL: No, I'm a regular County employee.

23 CHAIR HELLE: I wanted to clarify that, okay.

24 Yeah, then I don't see a problem. Okay. Well, again, I

25 think we thank you, again, as Mr. Kaufman said, for having

1 the foresight to take a look at it. His suggestion of  
2 reading the Code of Ethics is very appropriate, but we wish  
3 your wife good luck. And if it does happen, by all means,  
4 come back, and we'll take a look at it.

5 MR. STEEL: Thank you. I'll relay your good  
6 wishes. She would appreciate your vote I'm sure. Thank  
7 you.

8 CHAIR HELLE: All right. Thank you. Okay.  
9 Revisiting the agenda, we have one other thing in regards to  
10 new business, and that was in Section 6(b), which is the  
11 High Road. This is a publication of the State Ethics  
12 Commission, and I think this is just provided to each of us  
13 for our own information. There's a section in there on who  
14 is a lobbyist and what's a lobbyist. That might have been  
15 appropriate a meeting or two ago. But to borrow Alan's  
16 words, read it at your leisure, and you have that. At this  
17 point --

18 MR. KIM: Just to let you know, it's been ruled  
19 that the State Ethics Code does not apply to County  
20 employees or County officials. So the State Code is not

21 like an umbrella where it oversees the County. The counties  
22 have their own code, and we stick to that. We may look to  
23 them for ideas or maybe some guidance on how they ruled on  
24 other issues or similar issues, but they're not our guide.  
25 I mean we don't have to fall in line with the State.



1 CHAIR HELLE: Okay.

2 BOARD MEMBER KAUFMAN: If I may, John, I think  
3 that's an excellent point to make. What impressed me on  
4 reading this is how closely our decision mirrored what is in  
5 here.

6 CHAIR HELLE: Good point. That brings us to the  
7 end of our regular session. And at this time, we would  
8 entertain a motion to adjourn our regular session and move  
9 us on into the executive session.

10 BOARD MEMBER STEWART: Do you want me to read  
11 that?

12 CHAIR HELLE: Yeah. You want to read it?

13 BOARD MEMBER STEWART: Sure.

14 CHAIR HELLE: Thank you.

15 BOARD MEMBER STEWART: I'll do the best I can.

16 With reference to the agenda items listed below,  
17 one or more executive meetings are anticipated. In  
18 particular, the Board of Ethics anticipates it will consider  
19 the evaluation, dismissal or disciplining of an officer or  
20 employee of the County of Maui, where considerations of

21 matters affecting privacy will be involved. The Board may  
22 also consult with the Board's attorney on questions and  
23 issues pertaining to the Board's powers, duties, privileges,  
24 immunities and liabilities. Therefore, pursuant to Hawai`i  
25 Revised Statutes Section 92-5(a) (2) and (4), the following

1 items may be considered in Executive Session. The Board may  
2 also convene in Adjudicatory Session pursuant to HRS 92-6.

3 (Whereupon, the Board went into Executive  
4 Session.)

5

6 MEETING RESUMES

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8 CHAIR HELLE: We are adjourned from executive  
9 session, which means we're back in regular session.

10 MS. KAHUHU: Chair, can I make a comment?

11 CHAIR HELLE: Yes.

12 MS. KAHUHU: We missed one item.

13 CHAIR HELLE: We did?

14 MS. KAHUHU: 6(A) status of financial disclosure  
15 statements.

16 CHAIR HELLE: I'm sorry, 6(A), you're right.

17 MS. KAHUHU: Just to give you a brief status,  
18 there's 95 that were required to file. There's 14 left to  
19 go, and letters have been prepared. If they don't come in  
20 by the end of this week, that we'll send out their first

21 notice letting them know they have another week to get them  
22 in. And there's also 39 new appointees though, so they  
23 don't have to file until 15 days after they take their oath  
24 of office, so it's kind of hard to -- I just have to keep  
25 following up with the board secretaries.

1           It's two Council Members and two directors who  
2 still haven't filed, so that's where we stand right now.

3           BOARD MEMBER STEWART: What is the file deadline?  
4 Do they have a file deadline?

5           MS. KAHUHU: April 15th, which is a Saturday, and  
6 the 14th is a holiday, so really tomorrow is their last day  
7 to get them in.

8           BOARD MEMBER STEWART: Then we send 'Dog'.

9           CHAIR HELLE: You want to be his agent?

10          (Laughter.)

11          CHAIR HELLE: All right. Okay. I apologize for  
12 missing that agenda item, and we'll take a motion to adjourn  
13 today's --

14          BOARD MEMBER IWADO: A question I forgot to ask.

15          CHAIR HELLE: Go ahead.

16          BOARD MEMBER IWADO: On the lobbyist, the form,  
17 would it make sense for the Ethics Board to send out this  
18 form to people that come in front of the County all the  
19 time? Because remember we looked at the list. There was  
20 only four people from Castle & Cooke were the only ones that

21 signed up. I just thought it might be a way to communicate  
22 with people that -- first thing that comes to mind is Chris  
23 Hart's office, somebody like that, that's always in front of  
24 the County.

25 CHAIR HELLE: Right.

1 BOARD MEMBER IWADO: Or is it not our position to  
2 do that?

3 CHAIR HELLE: It's a good point. And I'm trying  
4 to think of whether there's a way that -- you know, the form  
5 is here. The form is available, and maybe there's a need to  
6 publicize the fact that this form is there for pickup or  
7 something. I don't know whether it's our responsibility to  
8 go out and identify everybody that should consider filling  
9 it out, but maybe through the County's Office of Information  
10 or something, that a press release be put out or some kind  
11 of a notice be put out that --

12 BOARD MEMBER IWADO: I just thought it might be a  
13 way to prevent any problems in the future for some of these  
14 people that should be filling out the lobbyist form.

15 BOARD MEMBER PELE: I have a question.

16 CHAIR HELLE: Go ahead, John.

17 BOARD MEMBER PELE: How many times or how often do  
18 they have to register as a lobbyist, is it just like a  
19 one-shot deal?

20 CHAIR HELLE: I think it's annual.

21 MS. KAHUHU: Can we confirm that with John because  
22 it isn't stated anywhere? Only in the HRS for the State  
23 Ethics Commission it's biannually.

24 CHAIR HELLE: All right. We'll ask John.

25 MS. KAHUHU: Thank you.



1 CHAIR HELLE: Can we ask you a question?

2 MR. KIM: No. What? Yes.

3 CHAIR HELLE: John, you want to --

4 BOARD MEMBER PELE: How often -- as registering

5 for a lobbyist, how often do they do it? Is it a one-shot

6 deal, yearly, annually, biannually?

7 BOARD MEMBER BOUCHARD: It says biannually here.

8 MR. KIM: I've got to look at the rules. On the

9 form?

10 BOARD MEMBER BOUCHARD: Yeah.

11 MS. KAHUHU: Actually, I typed that in, but I need

12 to get confirmation. But actually that refers to the State

13 Ethics Commission, and since we're not bound by them.

14 CHAIR HELLE: The other question, John, that came

15 up when you were discussing with Nane was whether we as the

16 Board of Ethics should do something to either send out the

17 lobbyist registration form to companies that regularly deal

18 with County Council and other agencies or whether there's

19 some way to publicize the fact that, you know, there is that

20 requirement and that form is available.

21 Any comments on that?

22 MR. KIM: We can ask the County Council to post

23 them.

24 BOARD MEMBER ALULI: That form isn't on the County

25 web site?

1 MR. KIM: No, not yet.

2 MS. KAHUHU: John?

3 MR. KIM: Wait.

4 MS. KAHUHU: I've already researched that. You're  
5 not going to find anything. That's why I went to the State  
6 Ethics Commission on it.

7 CHAIR HELLE: What would you like it to be? Well,  
8 maybe we can ask corporation counsel by our next meeting to  
9 research a little bit further and see if there is anything.

10 BOARD MEMBER KAUFMAN: How often do the lobbyists  
11 send in the form?

12 MS. KAHUHU: Right now, it's annually.

13 BOARD MEMBER KAUFMAN: And do they do that at your  
14 prodding, or do they do that voluntarily?

15 MS. KAHUHU: Voluntarily.

16 BOARD MEMBER IWADO: But it's --

17 MR. KIM: Yeah, all it says is, "Lobbyist  
18 registration. Prior to appearing before any executive or  
19 legislative body, all lobbyists shall file a certified  
20 statement with the Board of Ethics setting forth the name,

21 mailing address, business telephone number, subject matter  
22 of the lobbyist. The lobbyist shall report any change in  
23 information contained in the certified statement within ten  
24 days of such change. A lobbyist shall file a notice of  
25 termination within ten days of ceasing activity as a

1 lobbyist. Lobbyist means any person who engages themselves  
2 for pay or other consideration for the purpose of attempting  
3 to influence legislative or administrative action."

4       There's one more rule. There's a rule in your  
5 rules and regs. I have to find that.

6       BOARD MEMBER KAUFMAN: While you're looking, John,  
7 it seems to me based on some of the conversations from  
8 earlier meetings that it was the feeling of most of the  
9 people on this Board that there probably needs to be another  
10 look taken at the specific wording of the lobbyist  
11 registration in an attempt to clarify it further than exists  
12 currently. And I know that's not the jurisdiction of the  
13 Board of Ethics, but perhaps, John, is there some way that  
14 that can be initiated?

15       MR. KIM: What was that again?

16       BOARD MEMBER KAUFMAN: I want to put you to work  
17 instead of having you thumb through that manuscript over  
18 there, John. Basically what I'm thinking is that we – I  
19 think it was the feeling of this Board that the existing  
20 regulations, while they may -- are not as complete as we

21 would like to see them or as specific as we would like to  
22 see them in terms of addressing some of the issues that have  
23 been brought before us, and if it would be possible to  
24 initiate action to seek additional clarification of those  
25 regulations.

1 MR. KIM: You can always amend them. You can  
2 enter into rule making and amend your registration, lobbyist  
3 registration regulations. You can also ask the County  
4 Council to amend the ordinance, and that would force you to  
5 amend your regulations.

6 BOARD MEMBER KAUFMAN: So either the ordinance or  
7 our regulations would be amended?

8 MR. KIM: That's correct, because it's general now  
9 under the ordinance. You can say, look, as the Board of  
10 Ethics, we want a little more specifics, so we'll issue  
11 these set of rules under Subchapter 7 of our administrative  
12 rules. You have a section for lobbyist registration.  
13 That's what I was looking at when you were making a comment,  
14 and there's no time limit. Basically it just says if you  
15 change -- you know, your contract is over with when you're  
16 lobbying, and you have to let the Board know within five  
17 days or within ten days, I'm sorry.

18 MS. KAHUHU: John, I just need clarification. So  
19 is it your understanding that they only have to file once  
20 and then just notify the Board of any changes or

21 termination?

22 MR. KIM: That's what it appears to say.

23 MS. KAHUHU: So at this point, it's not necessary

24 to file yearly? I just need clarification on that.

25 MR. KIM: No, I think the State requires that.



1 But under our rules and our Ethics Code, they just need to  
2 file once and once they're terminated as a lobbyist. I mean  
3 that's what I believe the first opinion went out with  
4 respect to, who was that, Mr. Suzuki? They wanted  
5 Mr. Suzuki to register, and the Board said, look, it's  
6 obvious he works for the company. He's not a, quote,  
7 unquote, hired gun.

8       So under the current rules, if say, just as an  
9 example, someone hired myself to lobby for a position say on  
10 Kapalua Bay Hotel. Then once I'm done with my duties as a  
11 lobbyist to that, I would have to inform the Board, look, I  
12 no longer work for the Kapalua Bay Hotel as a lobbyist. I'm  
13 not going to the planning director or to see any of his  
14 planners anymore and I'm done. And if I took on another  
15 position with Wailea, say, Development, then I would have to  
16 reregister as a lobbyist for Wailea. So that, you know --

17       MS. KAHUHU: No, I understand that. It's just  
18 that, you know, if somebody lobbies for somebody for 20  
19 years, they only have to file that one time.

20       MR. KIM: That seems to be correct under the

21 current rules.

22 MS. KAHUHU: Because like, you know, I provided

23 the cover page on the lobbyist registration form, and our

24 instructions to them, really it's not clear that they would

25 know any of this.

1 MR. KIM: I think that's why they hire attorneys.

2 No, I'm sorry.

3 MS. KAHUHU: I just -- when people -- because  
4 there's maybe four people that turn in one every year, and I  
5 can start notifying them it's not necessary as long as  
6 they're lobbying for the same person they originally filed  
7 for.

8 MR. KIM: Once their duties for that person is  
9 changed, they're no longer an employee, and that's under the  
10 rules.

11 MS. KAHUHU: Okay.

12 BOARD MEMBER IWADO: I'm sorry, what was the two  
13 areas?

14 CHAIR HELLE: To either to change the -- ask the  
15 Council to review the ordinance and change the ordinance, or  
16 we can go in and change our own rule, which I guess is  
17 Subchapter 7.

18 BOARD MEMBER IWADO: And how would the board  
19 members change our own rules? Do we have a workshop to do  
20 that, or do we do it in a meeting?

- 21 CHAIR HELLE: That's a good question.
- 22 MR. KIM: What's that?
- 23 CHAIR HELLE: What would be the procedures of this
- 24 Board to go and amend the rule?
- 25 MR. KIM: You could notice it on your agenda to

1 say we're going into rule making to amend our rules.  
2 Someone has to decide what the rules are going to be. Then  
3 we have to have a public hearing so people can make comments  
4 on those changes. We have to also publish those rules after  
5 you voted on it after the public hearing. I think you have  
6 to publish the proposed rules for 45 days and then have a  
7 public hearing, then vote on it. And once it becomes new  
8 rules, you amend your old rules. Then you file it with the  
9 County Clerk. It's a process that takes about 95 days.

10 CHAIR HELLE: Okay. Is that something that this  
11 Board wants to do?

12 BOARD MEMBER KAUFMAN: I don't think anybody on  
13 the Board wants to do it. I think it probably needs to be  
14 done just to clarify things for the future.

15 MR. KIM: And I would suggest you appoint a  
16 committee to do it or one person to come up with a draft so  
17 you don't always have to meet as a whole body so that, you  
18 know, it would take sometime to go over and over. That way  
19 at least two or three people can work on it and present  
20 something tangible to the Board instead of having to come

21 back once a month.

22 And under the Sunshine Law, you can appoint an ad

23 hoc committee of at least three or -- but no more than a

24 quorum, or you can go three or less.

25 CHAIR HELLE: Three or less.

1 MR. KIM: Or one person. It doesn't matter.

2 BOARD MEMBER ALULI: I've got a question. Is the  
3 defining the rules -- this is what we're trying to do,  
4 define the rules of what a lobbyist can or cannot do, is  
5 that correct, or is it just the filing, specifically  
6 concerned about the filing periods?

7 BOARD MEMBER KAUFMAN: I think the immediate issue  
8 that came up is just who is a lobbyist, and the definition  
9 gets to be a little shaky. It's a very clear definition on  
10 one hand, but in reality, it leaves a lot of room for  
11 wiggling. And if you read through the State one, they say  
12 it depends who is a lobbyist and who must register when it  
13 gets to the specific situation, which we found ourselves  
14 addressing a few months ago. If -- Lisa, would it be  
15 possible for you to put Subchapter 7 into electronic format  
16 by E-mail and circulate it to the entire Board? I will be  
17 happy to try to address the concerns that came up, and if we  
18 can circulate that by E-mail. Is that appropriate, John?

19 MR. KIM: What did you ask for?

20 CHAIR HELLE: Subchapter 7.

21 MR. KIM: Yeah, you can.

22 MS. KAHUHU: That's not a problem.

23 BOARD MEMBER KAUFMAN: Okay. If I could -- I want

24 it in electronic format so that we can play with it as a

25 Board even before we bring it up.



1 CHAIR HELLE: Address it, yeah.

2 MR. KIM: What I caution you is not to pass it  
3 between yourselves prior to the meeting, so if someone is  
4 going to fiddle with it and make a proposed draft of new  
5 registration --

6 BOARD MEMBER KAUFMAN: Okay. Got you.

7 MR. KIM: -- that would be inappropriate for each  
8 of the members to submit their comments to you prior to the  
9 meeting. So that's why I suggested an ad hoc committee.  
10 And just so that those people could interact without having  
11 to make it a meeting and put on an official agenda. You  
12 guys can meet anytime of the week anytime of the day.

13 BOARD MEMBER KAUFMAN: John, can the ad hoc  
14 committee meet by E-mail?

15 MR. KIM: Yeah, by phone.

16 BOARD MEMBER KAUFMAN: In terms of my own time  
17 commitments and schedule, if I can get it in electronic  
18 format, I would be happy to serve as one of the members of  
19 the ad hoc committee and try to hammer out the issues we  
20 want to address.

21 BOARD MEMBER IWADO: I would volunteer for that.

22 CHAIR HELLE: Okay. We can go up to three?

23 MR. KIM: Yeah.

24 CHAIR HELLE: Does anybody else want to? Jim,

25 okay.

1 BOARD MEMBER STEWART: I would be glad to.

2 CHAIR HELLE: Jim, Tamio and Alan.

3 MS. KAHUHU: Okay.

4 CHAIR HELLE: Could you E-mail that to everybody  
5 though, the current one?

6 MS. KAHUHU: Yes.

7 CHAIR HELLE: Okay. All right. And then you guys  
8 will bring at the next meeting -- we would place an item on  
9 the agenda that you're going to bring new verbiage or new  
10 language for review?

11 BOARD MEMBER KAUFMAN: Yes.

12 CHAIR HELLE: Okay.

13 MS. KAHUHU: I would ask that you provide it to  
14 me, you know, in time for mailing with the packets.

15 CHAIR HELLE: Okay. All right.

16 BOARD MEMBER IWADO: Maybe we should wait for two  
17 months then.

18 CHAIR HELLE: We'll put it on the agenda two  
19 months from now.

20 BOARD MEMBER KAUFMAN: That would be safe.

21 CHAIR HELLE: That's a good idea. Okay. So this  
22 is April. It would be on the June agenda. All right.  
23 Thank you for that. Any other issues before we ask for a  
24 motion to adjourn?  
25 BOARD MEMBER LEACH: Yeah.

1 CHAIR HELLE: Go ahead, Randol.

2 BOARD MEMBER LEACH: One small question, and I  
3 don't know if it's for John or Barry. With the campaign  
4 season coming up, I was looking through our binder here on  
5 political activity of board members, and I'm not clear if  
6 it's for all board members of different commissions or just  
7 the Board of Ethics of the do's and don'ts of what's  
8 prohibited and what's accepted activities in regards to  
9 political campaigns. And just one question I have is are  
10 board members, you know, allowed to hold signs for  
11 candidates? Is it just the Board of Ethics, or is it, you  
12 know, all the commission members?

13 CHAIR HELLE: Okay. My understanding is that you  
14 can attend political functions.

15 MR. KIM: It's not on the agenda. You're going to  
16 have to save that question for next month.

17 CHAIR HELLE: Okay. It's not on the agenda. Can  
18 we put that on the agenda then to clarify the do's and  
19 don'ts of political activities by -- is your question,  
20 Randol, just in particular for this board or for all boards

21 and commissions?

22 BOARD MEMBER LEACH: For both. If we're singled

23 out, if we have to be more selective, and what do we have to

24 watch out for.

25 MS. KAHUHU: The do's and don'ts basically.

1 BOARD MEMBER LEACH: Yeah, for Board of Ethics and  
2 all the commissions. And we should somehow -- I don't know  
3 if it's in our purview is to communicate that to the new  
4 commission members of all the boards and the current ones.

5 CHAIR HELLE: Okay. So we would ask that corp  
6 counsel provide us with those guidelines at the next  
7 meeting.

8 MS. KAHUHU: I believe they're provided in your  
9 binder.

10 CHAIR HELLE: Okay.

11 BOARD MEMBER LEACH: This one I was looking at was  
12 1996.

13 MS. KAHUHU: I can tell you that that's the last  
14 that was prepared.

15 CHAIR HELLE: Okay. All right.

16 BOARD MEMBER IWADO: It would be nicer to have  
17 clarification though.

18 CHAIR HELLE: I agree.

19 MS. KAHUHU: Okay.

20 MR. KIM: I don't know what you're looking at.

- 21 BOARD MEMBER LEACH: It was in the front.
- 22 MR. KIM: My front is different from your front.
- 23 CHAIR HELLE: It might be in the middle.
- 24 MS. KAHUHU: John, it's a letter written by Kelly
- 25 Cairnes to Madelyn D'Enbeau dated August 28th, 1996.



1 BOARD MEMBER LEACH: My main question, too, excuse  
2 me, is Number 7, prohibits of soliciting votes and support  
3 of or in opposition to a partisan candidate, so I don't know  
4 if holding a sign is soliciting a vote.

5 BOARD MEMBER BOUCHARD: A bumper sticker.

6 BOARD MEMBER LEACH: Yeah, bumper stickers said  
7 they were permitted, but I don't know about actually linking  
8 yourself up to holding a sign. I just want a clarification.

9 BOARD MEMBER ALULI: You better get that  
10 clarification before the heated season starts.

11 BOARD MEMBER LEACH: Or if our friends ask us to  
12 hold signs, you've got a good reason.

13 CHAIR HELLE: You've got a perfect answer.

14 BOARD MEMBER LEACH: Busted.

15 CHAIR HELLE: Yeah. Okay. All right. Any other  
16 items for discussion? All right. Then we'll take a motion  
17 to adjourn.

18 BOARD MEMBER STEWART: So move.

19 BOARD MEMBER ALULI: Second.

20 CHAIR HELLE: All in favor?

21 (A chorus of aye's.)

22 CHAIR HELLE: You're officially adjourned. Thank

23 you.

24 (The meeting ended at 1:20 p.m.)

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C E R T I F I C A T I O N

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4 I, RACHELLE PRIMEAUX, Notary Public for the State of

5 Hawaii, certify:

6 That the proceedings contained herein were taken by

7 me in machine shorthand and were thereafter reduced to print

8 under my supervision by means of computer-aided

9 transcription; that the foregoing represents, to the best of

10 my ability, a true and accurate transcript of the

11 proceedings had in the foregoing matter.

12 I further certify that I am neither attorney for any

13 of the parties hereto nor in any way concerned with the

14 cause.

15 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii

21 My commission expires 6/14/08

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