

BOARD OF ETHICS
COUNTY OF MAUI
REGULAR MEETING

ORIGINAL

Held at the Corporation Counsel Conference Room,
Kalana O Maui Building, Wailuku, Maui, Hawaii, commencing
at 12:30 p.m., on June 4, 2008.

RECEIVED
CORPORATION COUNSEL
2008 JUN 17 AM 7:46

REPORTED BY: RACHELLE PRIMEAUX, CSR #370

ATTENDANCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBERS PRESENT:

- ALAN KAUFMAN, CHAIR
- NANE ALULI, VICE-CHAIR
- JOCELYN BOUCHARD, SECRETARY
- RANDOL LEACH
- SHERI-ANN DANIELS
- MARTI WUKELIC

STAFF PRESENT:

- KRISTI UEOKA, BOARD SECRETARY
- ADRIANNE HEELY, DEPUTY CORPORATION COUNSEL
- KIM SLOPER, DEPUTY CORPORATION COUNSEL

TRANSCRIPT OF PROCEEDINGS

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIR KAUFMAN: The June 4th meeting of the Maui County Board of Ethics is called to order. I would note that we have a quorum in attendance today. And who is not here?

MS. UEOKA: I have Rebecca, Gretchen and Michael who are all excused.

CHAIR KAUFMAN: Thank you. The minutes of the May 14th meeting have been circulated. Are there any additions or corrections to those minutes? I'm going to assume since the Chair didn't find any, that nobody is going to find them in the next few seconds. Is there a motion to accept the minutes as submitted? No, wait a second. We don't need a motion. They are accepted as submitted. Thank you very much. I'll get on the right page in just a minute. There is no public testimony today.

Under old business, you have the financial disclosure of Michael Molina. And our executive secretary, what was the item that was of concern that we needed to review?

MS. UEOKA: The items were Item 2, 3, 5, 6, 7, because he had checked "no changes" since last year's disclosure on all of those items, but seeing this is a nomination filing, it needed to be an original. And I

1 conformed it to his filing for 2007. It was pretty much all
2 filled in. There was just a few details missing from his
3 filing. He had handwritten most of the information there.

4 CHAIR KAUFMAN: Very good.

5 MS. HEELY: You confirmed it with him, too?

6 MS. UEOKA: Yeah, and I spoke to him on the phone.

7 BOARD MEMBER ALULI: You're the person who has
8 made the corrections, that's your handwriting then?

9 MS. UEOKA: No, I actually typed it in where all
10 the missing information was typed in. All of that
11 handwriting is Mr. Molina's handwriting. That's how he
12 submitted it.

13 MS. SLOPER: I'm sorry, except for the first page?

14 MS. UEOKA: Except for the first page.

15 BOARD MEMBER ALULI: The first page is your
16 handwriting?

17 MS. UEOKA: Yeah, that's me, but the additions to
18 the items I mentioned previous, those were the typewritten
19 changes.

20 BOARD MEMBER LEACH: Mr. Chair, I have one
21 question. I don't know if it's nitpicking or not, but under
22 Michael Victorino.

23 CHAIR KAUFMAN: Pardon me?

24 BOARD MEMBER LEACH: It's working back to Molina.
25 Under gifts, and I haven't seen this before, and I don't

1 remember seeing it. He has the Maui Classic Basketball gift
2 item, Victorino. And Molina was at the tournament, too. So
3 I don't know if that's nitpicking that he didn't list a gift
4 that we might know of.

5 CHAIR KAUFMAN: Was there a value placed on that
6 item, Randol?

7 BOARD MEMBER LEACH: Number 9, Value A, it's
8 supposed to be over \$50 or something.

9 CHAIR KAUFMAN: Value A.

10 BOARD MEMBER ALULI: Less than \$1,000 is what
11 Value A is, right?

12 BOARD MEMBER LEACH: Yeah, so I don't know if
13 because one Council Member listed it and one didn't if we
14 should --

15 CHAIR KAUFMAN: Randol, I would like to
16 congratulate you on your attention to detail.

17 BOARD MEMBER LEACH: I sat next to him, so I knew
18 he was there.

19 CHAIR KAUFMAN: You know, before when we've seen
20 the gifts, we've typically seen figures in there, rather
21 than values of A, B, C or D, if a value is under \$25, then
22 it is considered not an issue. And not even -- is it even
23 reportable under \$25?

24 BOARD MEMBER LEACH: This says 50 or more.

25 CHAIR KAUFMAN: That says 50 or more, okay. Do we

1 know what -- how much did you pay for your tickets, Randol?

2 BOARD MEMBER LEACH: It depends if you buy the
3 all-day ticket or single game ticket, but they probably had
4 the all-day ticket, and that's over \$50. Mike Victorino put
5 his ticket down. All the Council people got tickets, so I
6 don't know if we're really nitpicking, you know.

7 CHAIR KAUFMAN: Actually, it's not nitpicking to
8 require the Council people to fill out the forms accurately.
9 And if we're aware of inaccuracies in their submission, then
10 I suppose it behooves us to bring it to their attention.

11 BOARD MEMBER LEACH: So I don't know if we have to
12 go to just one that we know of or the other Council people
13 and the Mayor.

14 BOARD MEMBER BOUCHARD: And I guess that brings up
15 an interesting point. Would they claim it if they got it
16 and didn't go? You know what I mean, because if you said
17 all the Council members got it, technically, they would all
18 claim it, but would it have a value if they didn't attend?

19 BOARD MEMBER LEACH: Or if they got it and gave it
20 to someone else.

21 BOARD MEMBER BOUCHARD: Right, I guess they could
22 have done that, too.

23 CHAIR KAUFMAN: Does Corporation Counsel have any
24 particular guidance on this issue?

25 MS. HEELY: It's totally up to the Board. I'm not

1 sure if the Board considered whether or not Mr. Molina paid
2 for his tickets rather than receiving it as a gift, so if
3 the Board wants to do a followup call, I mean it's well
4 within the Board's discretion.

5 CHAIR KAUFMAN: That's an excellent point. Are we
6 certain that, in fact, he did not pay for his tickets? Do
7 we know for a fact all the Council people received them as
8 gifts?

9 BOARD MEMBER LEACH: I remember reading -- I'm not
10 sure where -- that the tournament gives tickets to all the
11 Council people and the Mayor and another group. I don't
12 know what the other group is, but I have seen that
13 somewhere. And I saw it on Victorino's, and I go, oh, he
14 put it on there, and I go, oh, it's not over here. I saw
15 him there, too. So it might be more than one ticket, too, I
16 don't know.

17 CHAIR KAUFMAN: Well, having raised the issue,
18 Randol, and I will help you as Chair in any way that I can,
19 what is the pleasure of the Board? There is obviously a
20 discrepancy, and there's not much point in reviewing these
21 forms if we're going to overlook inaccuracies within them.
22 And it is a small point, but it's certainly a point that
23 should be brought to the attention of the individual who has
24 made the submission.

25 BOARD MEMBER LEACH: I think, too, it will help

1 Council people and the Mayor in them thinking about what
2 they should accept as gifts, that they will have to report
3 them.

4 CHAIR KAUFMAN: Or keep better inventory of
5 everything they do receive. And that might be a real -- a
6 real benefit to them, and we would be remiss in our
7 positions here if we were simply to overlook obvious
8 omissions. I'm seeing affirmative head nodding. Yes.

9 MS. UEOKA: I would just like to note that this
10 submission is for his nomination. Mr. Molina also submitted
11 a financial disclosure I think in February for his update,
12 his annual update, which the Board accepted without the gift
13 notation, because obviously this issue is new. So if we
14 will be doing a followup call to Mr. Molina, I don't know if
15 you also want him to amend his update as well for 2008,
16 which the Board has already accepted all, and it was
17 accepted -- was that before the basketball game.

18 BOARD MEMBER LEACH: The tournament is in
19 November.

20 CHAIR KAUFMAN: Had he received the ticket at that
21 point in time?

22 BOARD MEMBER LEACH: Well, it was filed in
23 February.

24 MS. UEOKA: The update was filed in 2008,
25 February, I think.

1 BOARD MEMBER ALULI: You know, it might be better,
2 Chair, if perhaps we somehow get something in writing out to
3 the Council, and like however that information gets
4 disseminated to people, who should be reporting that kind of
5 information, so that the policy is again restated to anybody
6 that has to file a form before the Ethics Committee as
7 opposed to just, you know, getting back to Molina. Because
8 I'll bet you that it probably slips a lot of other people's
9 minds, too.

10 BOARD MEMBER WUKELIC: Since we've received the
11 earlier one and we didn't have the knowledge of it, is it
12 legally possible to leave that one alone and just address
13 this one, because the ball is still in play, so to speak, or
14 how bad of a can of worms are we opening by addressing this
15 one with him now?

16 CHAIR KAUFMAN: I guess the Chair's feeling is
17 it's not really a can of worms if we're doing our job.

18 BOARD MEMBER WUKELIC: I mean the old one. I'm
19 talking about the technical --

20 CHAIR KAUFMAN: Technically, I don't think it
21 makes a great deal of difference for him to amend the other
22 one, and we could point that out, that that should also be
23 amended. And we could ask for resubmission with the
24 appropriate amendment. Would that be a logical thing to do?

25 MS. UEOKA: You could do that. I just wanted to

1 bring it to the Board's attention that, you know, we had
2 already accepted his update.

3 CHAIR KAUFMAN: Right. And now that we're aware
4 of inaccuracies in the update, we need to review that as
5 well.

6 MS. UEOKA: But at that point -- I think we've
7 also accepted a lot of other people's at this point, too.

8 BOARD MEMBER DANIELS: And I think it goes back to
9 Nane's suggestion about doing a letter just to refresh
10 everyone, you know, and maybe doing it now and again when
11 these go back out next year for renewal, that this is --
12 because I don't think people keep a list of the gifts
13 either. Especially if you get it, you know, at the end of a
14 year, that might not be something they're tracking where we
15 might need to point it out to them.

16 BOARD MEMBER LEACH: They might think the
17 basketball tickets, because they were a gift, might not be
18 worth the face value because they were free from the
19 organization putting the tournament on. And they also get
20 all the huluhuli chicken and fundraiser tickets that are
21 probably under \$50, so they might have lumped it in that
22 group. I'm just speaking for them.

23 MS. UEOKA: If you did written correspondence, a
24 memo to these people, it might help them if you gave them
25 guidelines or reminders of specific things that they might

1 look for, just example, basketball tickets, estimated worth
2 da, da, da. And so it might bring it to their consciousness
3 throughout the year of what they should be reporting.

4 CHAIR KAUFMAN: Can Corporation Counsel find
5 chapter and verse with regard to the gifts and what can be
6 given for us, just to refresh every member of the Board's
7 mind right now?

8 MS. HEELY: I know 10-4 has --

9 BOARD MEMBER WUKELIC: I think we need to address
10 it with Mike though in fairness to him.

11 MS. HEELY: It doesn't have a specific dollar
12 amount. 10-4 Section 1(a) says, "No officer or employee of
13 the County shall solicit, accept or receive any gift
14 directly or indirectly, whether in the form of money,
15 service, loan, travel, entertainment, hospitality or promise
16 or in any other form under circumstances in which it can
17 reasonably be inferred that the gift is intended to
18 influence the officer or employee in the performance of the
19 officer's or employee's official duties or is intended as a
20 reward for any official action on the officer's or
21 employee's part," so that's the section of the charter that
22 talks about gifts.

23 It doesn't necessarily say specific dollar amount,
24 so I'll have to look whether or not there's anything in our
25 rules that lists the \$50 or more. I know there's been past

1 opinions as well that addressed certain value and gifts
2 received of -- that I can research our indexes of those as
3 well, but let me see the rules.

4 MS. UEOKA: Subchapter 3, Financial Disclosures,
5 Item 9.

6 BOARD MEMBER BOUCHARD: 3-9 you're saying?

7 MS. UEOKA: Within the rules of the Board of
8 Ethics. It should be a copy in your binder. Under
9 Subchapter 3, Financial Disclosures, section 04-101-31,
10 Contents of Disclosure. Item Number 9, "A description of
11 any gift or gifts valued singly or in the aggregate at \$50
12 or more from a single source received directly or indirectly
13 by the person, the person's spouse or dependent child within
14 the preceding 12 months, the name of the source, the date
15 the date the gift was received and an estimate of the value
16 of the gift provided, however, that the following need not
17 be included."

18 And then there's a long listing of various
19 exclusions.

20 MS. HEELY: Page 101-17 in your rules.

21 MS. UEOKA: Does anybody need a copy? You want to
22 take a look?

23 CHAIR KAUFMAN: You know, I think we're heading to
24 a conversation that this Board has had before or in the past
25 the Board has had, and I'm trying to bring my memory up to

1 speed. But we have to consider making a conscious effort to
2 keep all of the County officials and individuals working for
3 the County informed of the Code of Ethics and the rules.
4 "The High Road", which we received in our packets this time,
5 is what the State does, and they do that on an annual basis
6 to send out the brief refresher course to everybody.

7 In fact, I think even our Governor said not that
8 long ago, a year or two ago, a refresher course in ethics
9 was a good idea, and she went and had it as well as
10 everybody in the State Legislature. So the question is the
11 mechanism to try to get this in front of the members of the
12 County who need to have it. And is there a formal
13 mechanism? And I don't think there is. Based on what
14 happened last time, we had this conversation, but when we do
15 have an issue like this regarding gifts, it could probably
16 be helpful to point out that recently we had noted
17 discrepancies, and here are what the regulations say. And
18 to circulate that, I don't know if -- I don't think it
19 should be lent to just the Council Members, so that's what
20 has initiated this conversation.

21 Is there a way to do that economically without
22 creating a big issue? I'm thinking of trying to -- does the
23 Mayor ever send e-mails to all the County employees? Does
24 she?

25 MS. HEELY: Yes.

1 CHAIR KAUFMAN: If the Mayor can do it, I wonder
2 if the Board of Ethics might want to do it? Or ask the
3 Mayor if on our behalf she would do it, if that would be
4 appropriate.

5 MS. UEOKA: Do we want to target all the people
6 that need to file financial disclosure statements or do we
7 want to target all County employees, or do we want to target
8 both? Because those are two separate -- there's some
9 overlap. There's some overlapping, but the majority of our
10 board and commission members who file financial disclosure
11 statements are not County employees.

12 BOARD MEMBER ALULI: They have to abide by these
13 same rules, correct?

14 MS. UEOKA: They do, but by sending a mass e-mail,
15 that wouldn't address most of the people that actually file
16 the financial disclosure statements. What we could do is if
17 you wanted to issue something written to all the boards and
18 commissions, members who have to file financial disclosure
19 statements, is we could prepare it, and we could send
20 packets to all of the staffers who staff each board or
21 commission. And they could distribute it to all of their
22 members as a reminder. That's how we distribute our
23 financial disclosure statement requests is we give it to the
24 staffer. You know how I staff this board? Every board has
25 a similar person.

1 So the executive secretary or staffer would be
2 able to distribute it to all the people on the board.

3 CHAIR KAUFMAN: Well, we certainly want to get it
4 to every individual who is in the position to file financial
5 disclosure statements, because that's what our purview is,
6 and that's what we get to review.

7 MS. UEOKA: And then internally the directors,
8 deputy directors, elected officials, those could be sent
9 through our interoffice County mail pretty easily the way we
10 normally communicate with them anyway if the board wanted to
11 issue something written at this point to remind them.

12 CHAIR KAUFMAN: Does that sound reasonable to
13 members of this board?

14 BOARD MEMBER ALULI: Yes, I think so.

15 CHAIR KAUFMAN: Randol, you brought it up. I
16 would like to have you fully on topic and behind this,
17 whatever action we're going to take.

18 BOARD MEMBER LEACH: Yeah, on the financial
19 disclosure Section 101-30, it says, "All elected County
20 officers, all candidates for elected County office and
21 executive and legislative department directors and first
22 deputies shall file," so I think if we targeted those
23 people, I think that's sufficient.

24 CHAIR KAUFMAN: Okay. Would you like to make that
25 as a motion then, Randol?

1 BOARD MEMBER LEACH: Yeah, I move that we send a
2 letter or correspondence to those mentioned individuals
3 making them aware of Section 101, so that would be 04-101-31
4 Section 9.

5 CHAIR KAUFMAN: Is there a second to that motion?

6 BOARD MEMBER DANIELS: I second.

7 CHAIR KAUFMAN: Discussion. I think it might help
8 specifically to mention as an example.

9 BOARD MEMBER LEACH: Exactly.

10 CHAIR KAUFMAN: And use the topic of discussion
11 today, the basketball tickets.

12 BOARD MEMBER LEACH: And the Mercedes golf
13 tournament.

14 CHAIR KAUFMAN: Okay. Is there further
15 discussion?

16 MS. HEELY: A quick question. I know Subsection 9
17 has seven subsections or exceptions of when gifts don't need
18 to be reported, so I think -- well, it's up to the Board,
19 but would the Board want us to quote those as well.

20 CHAIR KAUFMAN: Absolutely.

21 MS. HEELY: So they know.

22 CHAIR KAUFMAN: I see all affirmatives from every
23 member of the Board. Jocelyn, too.

24 BOARD MEMBER BOUCHARD: Yeah.

25 CHAIR KAUFMAN: So that is the desire of the

1 entire board. Randol, thank you so much for bringing that
2 to our attention.

3 MS. UEOKA: Chair, I would like some clarification
4 with regard to Mr. Molina's financial disclosure statement.
5 I just, in my opinion from reviewing a lot of these, I worry
6 because we don't have all of the hundred percent facts
7 regarding his gift with the basketball tournament tickets.
8 I worry about targeting one particular Council Member when
9 we've allowed and accepted other Council Members' financial
10 disclosure statements that did not contain extensive gift
11 notations, and I worry about Mr. Molina maybe feeling
12 singled out. Just my opinion.

13 CHAIR KAUFMAN: I think that's an excellent point
14 to make. And having made it, do you have a potential
15 suggestion for how we might be able to resolve that?

16 BOARD MEMBER BOUCHARD: Well, and somebody
17 mentioned do we know that he didn't pay for the ticket? I
18 mean we don't necessarily know that either. So could we
19 send out that we noticed this discrepancy to all of them? I
20 don't know. I mean could we make that a point of discussion
21 and not target him, but just say, hey, if anybody has
22 forgotten, please resubmit? Does that make sense?

23 BOARD MEMBER WUKELIC: If I were a Council Member
24 and this group was having this lengthy discussion, I would
25 kind of want somebody to pick up the phone and say, "By the

1 way, we have this question." Just ask me about it. And
2 I'll go, "Oh," so rather than like opaquely toss it out to
3 the world, I think I would just want it dealt with one on
4 one. That's just an opinion.

5 BOARD MEMBER BOUCHARD: Yeah.

6 BOARD MEMBER WUKELIC: I could be wrong.

7 MS. SLOPER: Just to kind of bring back what
8 Kristi was saying, as far as if you're going to look at
9 Mr. Molina's financial disclosure form at the gift section,
10 should you then go back and look at the other Council
11 members that you've already accepted their forms? You know,
12 not necessarily looking for the gift section, maybe revisit
13 it, so it's kind of equal treatment or equal scrutiny, I
14 guess, for all Council members instead of singling out this
15 one because, you know, Mr. Leach just happened to notice
16 this one.

17 BOARD MEMBER BOUCHARD: And it does state here
18 that you don't have to claim gifts you don't use. So if all
19 the Council got tickets, but they didn't go, they wouldn't
20 be required to claim it based on this.

21 BOARD MEMBER ALULI: The particular issue we're
22 talking about now is the statement he has just recently
23 submitted, which is the disclosure for the filing of his
24 nomination or of his action, right?

25 BOARD MEMBER DANIELS: Well, but the tickets were

1 back in November of '07, and he submitted his -- I think his
2 disclosures in February of '08, which should have included
3 those tickets from '07. So now I think it gives the
4 appearance that did we miss that back then. And now we're
5 asking him to clear it up because he stuck in this update
6 for nomination purposes, so I think that's where it might be
7 like, well, are we, you know, not singling him out, but did
8 we have something in error where we didn't notice it? But
9 also, how would we know?

10 BOARD MEMBER LEACH: You don't know.

11 BOARD MEMBER DANIELS: It's like anything. They
12 could get a lot of gifts over 50, but if we don't know, and
13 it just so happened Randol was sitting right next to him and
14 saw this and triggered his memory.

15 BOARD MEMBER WUKELIC: Are we sure it's
16 reportable? Could it be Mr. Victorino is overreporting?

17 BOARD MEMBER LEACH: Huh-uh. The tickets were
18 over -- they were \$100 for an all-day ticket.

19 BOARD MEMBER WUKELIC: And you go because it's
20 entertainment and a fun day, it's not I'm going because I'm
21 supposed to be representing?

22 BOARD MEMBER LEACH: Well, that would still be --
23 a gift is a gift.

24 BOARD MEMBER ALULI: Right.

25 BOARD MEMBER LEACH: It's not like a car or

1 vacation or -- I don't see those -- I don't know if they go
2 on trips or not, the Council people.

3 BOARD MEMBER BOUCHARD: Business trips you mean?

4 BOARD MEMBER LEACH: Yeah.

5 BOARD MEMBER BOUCHARD: I think they do.

6 BOARD MEMBER LEACH: That's different.

7 CHAIR KAUFMAN: Well, I don't know what to say.

8 BOARD MEMBER LEACH: After first being grateful
9 for making a statement, I'm now more perplexed than being
10 grateful. I think the point about not singling out a single
11 Council person is a good one. In fact, we have accepted all
12 those previous Council submissions. I wonder if to have
13 some level of uniformity -- I mean if this was, if we
14 stumbled upon a \$20,000 vehicle that had been given to
15 Mr. Molina, I would probably have a great deal more of
16 concern than his failure to possibly, and it may not even be
17 his failure, because we don't have enough information to be
18 100 percent accurate, to report on the \$50 basketball
19 ticket.

20 If we're going to deal equitably with all of them,
21 we probably should ask all of them if they went to the game
22 and on from there, or simply let them sit as accepted. I
23 don't know that we would be shirking or duty to let the
24 sleeping dogs lie in this case as long as we get clarity in
25 the future in terms of having the individuals look toward

1 doing an excellent job of reporting the gifts they receive
2 as, in fact, they're supposed to do. That's just a
3 possibility.

4 If other members of the Board feel strong one way
5 or the other, please make the case for it.

6 BOARD MEMBER BOUCHARD: Perhaps we could issue
7 something that said when reviewing the statements this year,
8 it came to our attention that some applicants may have
9 overlooked gifts, and we are reminding, da, da, da, da, da,
10 something like that.

11 BOARD MEMBER WUKELIC: Yeah.

12 BOARD MEMBER ALULI: And let the sleeping dogs
13 lie.

14 BOARD MEMBER BOUCHARD: I'm all for the sleeping
15 dogs.

16 BOARD MEMBER LEACH: Short term.

17 BOARD MEMBER BOUCHARD: A short term.

18 CHAIR KAUFMAN: I'm very glad to see the
19 perspective of the Humane Society and the veterinary
20 professions have been well received by the members of the
21 Board. Okay, so I don't know if that takes any
22 clarification. We have a motion to basically have that
23 communication. And with that preface to it, would that
24 satisfy the concerns that no one individual would be singled
25 out, and we're going to try and get everybody moving in the

1 same direction with regard to the gifts?

2 MS. HEELY: In the future.

3 CHAIR KAUFMAN: In the future, yes.

4 BOARD MEMBER WUKELIC: Yes.

5 CHAIR KAUFMAN: We're good? Randol.

6 BOARD MEMBER LEACH: I think it's to the benefit
7 we're doing this in that also this is a public record. And
8 an opponent could go, well, how come you didn't say this was
9 a gift, and this person did say it. It just opens up a lot
10 of things.

11 CHAIR KAUFMAN: That's an excellent point, and the
12 fact is that the Board of Ethics has reviewed the
13 information, and we realized by our oversight or actually
14 because of Randol's exquisite attention to detail, as a
15 group, we have decided this is probably not something we
16 need to pursue. We can accept the already accepted filings.
17 However, we want to ask that all the members who have to
18 file these forms do the very best job possible, and that's
19 why we're sending out the correspondence that we will.

20 Okay. If that's the case, we've already approved
21 the motion. We have to either accept -- is there a motion
22 to accept -- now, this is the new one?

23 MS. UEOKA: The nomination.

24 CHAIR KAUFMAN: The filing of nomination papers,
25 correct, for Mr. Molina. Is there a motion to accept it?

1 BOARD MEMBER WUKELIC: I move that we accept Mike
2 Molina's new application, revised application.

3 BOARD MEMBER LEACH: I second that.

4 CHAIR KAUFMAN: Okay. Is there any discussion?
5 Seeing none, all in favor?

6 (A chorus of aye's.)

7 CHAIR KAUFMAN: Opposed?

8 (None.)

9 CHAIR KAUFMAN: The motion is passed. There are
10 no communication items. Under new business, we have several
11 financial disclosures. And before we have a motion, are
12 there any comments from any individuals regarding any of
13 those submissions?

14 BOARD MEMBER DANIELS: I have. I actually --
15 okay. So I have on Halperin, and it just could be she
16 didn't know how to fill out the form, but she checked "none"
17 on everything, but she had actually information on Item 1
18 and Item 5, but also checked "none". And then and this is
19 just I guess curiosity, but I don't think it matters, but
20 I'm just like, well, how is the -- I mean I guess -- I can't
21 see how she would -- because her annual compensation is like
22 less than \$1,000. And yet how does she survive? And I
23 don't know if she just didn't know how to fill out the form,
24 and I don't know if that's nitpicking either.

25 MS. HEELY: Or perhaps she thought the none was

1 associated to or with the additional sheet attached. I'm
2 not sure.

3 BOARD MEMBER BOUCHARD: Yeah.

4 MS. HEELY: Saying she didn't attach an additional
5 sheet.

6 MS. UEOKA: I will note this is a person that has
7 filed nomination papers, so this is probably the first time
8 she's ever seen this form. And unlike our elected officials
9 and board members, I think the people that file the
10 nomination papers have the least amount of guidance when
11 they're trying to fill out this form. It's given out by the
12 County clerk's office when they actually file their
13 nomination packet, so just for the Board's information.

14 CHAIR KAUFMAN: What I would share with you is I
15 once had this same question. I thought there's no income,
16 there's no assets, there's no anything. How does this
17 person survive? And on inquiry, we learned that he lived
18 with his parents because that's how he survived, and it's
19 not our place to ask people how do you survive. It's not a
20 question on the form. She could -- and I appreciate public
21 record. I want people to know I'm being glib and humorous.
22 She could have a sugar daddy who takes care of all her
23 needs, and more power to her if that is the case.

24 So even though we may have questions about the
25 form, as long as it's filled out, we can accept it unless

1 there are obvious discrepancies that need corrections. She
2 also might be somebody who has invested very well and keeps
3 all of her investment proceeds in cash. There's another
4 reasonable possibility.

5 BOARD MEMBER DANIELS: I thought of that.

6 CHAIR KAUFMAN: Other than Halperin, are there any
7 other questions on any of the other submissions?

8 BOARD MEMBER DANIELS: Mano -- I mean Ornellas,
9 I'm sorry.

10 CHAIR KAUFMAN: And specifically?

11 BOARD MEMBER DANIELS: On his Item 5, and I know
12 this was a topic of discussion at a previous meeting, but he
13 didn't give any security. And it could be because he's also
14 for nomination. He probably just didn't think he had to
15 fill that out, but I know we had talked about it before.

16 CHAIR KAUFMAN: Correct, and if it says "if any,"
17 the assumption is it's left blank because there is none,
18 which could be an unsecured note, so we accept that rather
19 than question it when it's filled out that way. Any other
20 questions?

21 BOARD MEMBER LEACH: Just a procedural question.
22 When the candidate signs the form and then Kristi or someone
23 else inputs information on the form, we're accepting the new
24 information signed by the person that the information came
25 later after their signature. In my office, that would be a

1 definite no-no.

2 CHAIR KAUFMAN: That's totally understood, Randol.
3 Because it's got the individual's signature on it. And it's
4 not to call into question the executive secretary's actions.
5 I think we're all very pleased with the actions of the
6 executive secretary, but procedurally, Corporation Counsel,
7 does the executive secretary have personal responsibility
8 for filling these in when it's under someone else's
9 signature? Is that something she should be doing or we can
10 permit her to do or accept, or should it be something she
11 has to return the form back to the individual and have it
12 corrected and resubmitted?

13 MS. HEELY: With the Board's approval when they
14 seek clarification, I think they're allowing the secretary
15 to have permission to seek clarification from the person
16 submitting the financial disclosure form. I've noticed when
17 she does make notations, she puts the date and the initials
18 or something on certain -- no?

19 MS. UEOKA: Most of the time when I'm changing
20 things on the front page, it's because -- and I'm talking
21 about the first section -- it's because the person usually
22 didn't understand how to fill out the form. And for
23 instance, on Halperin's financial disclosure statement, I
24 have a report from the State showing what date she actually
25 filed her nomination papers, which was 5/16/08. In that

1 case, I wouldn't call her to ask her if it's all right for
2 me to change that, because I have a public document that
3 shows the exact -- the exact date. When it comes to
4 changing anything else within any of the other items, items
5 1 through 9, I routinely talk to people over the telephone
6 and ask them if it was all right for me to change this over
7 the signature.

8 And most times -- and actually, every time they've
9 said, yes, please do, and it's mostly because they either
10 did not know how to fill out the form, they forgot, they had
11 filled out most things and left one blank, or they filled
12 out most of the answer, but missed one piece of the answer,
13 meaning nature of the business, value of the business. And
14 I usually get verbal -- actually, not usually -- always I
15 get verbal confirmation that that's all right. However, if
16 the board wants me to change that procedure and return the
17 financial disclosure statements to the various people, I
18 could also do that.

19 MS. HEELY: How has it been consistently done
20 though? Has it been consistently done where you would make
21 the changes, revisions or the executive secretary would make
22 that without returning the original form and sending a new
23 one?

24 MS. UEOKA: Historically, I think the executive
25 secretary has --

1 CHAIR KAUFMAN: When we've asked for clarification
2 on a form, it's typically just been handled over the phone.
3 And I don't think that there's -- we're not moving stocks
4 and bonds around or dealing with real estate issues and that
5 type of legality. I would think simply changing it and
6 initialing it would be adequate for the purposes of the
7 submissions that we're dealing with.

8 MS. HEELY: Because the original submission does
9 have a certification where they signed, and the Charter only
10 requires that they file a financial disclosure. It doesn't
11 say that they file a complete financial disclosure statement
12 with the Board of Ethics, so assuming that the executive
13 secretary has historically done revisions through the phone
14 and got the approval of the submittee, I think it would be
15 okay rather than mailing another form, and you know, getting
16 another submission through them.

17 MS. UEOKA: Historically though, I'm not sure how
18 carefully the previous executive secretaries looked at each
19 financial disclosure statement before it was put onto the
20 agenda. I have been going through because I know what you
21 guys are looking for, so I try and clear a lot of the issues
22 up with the various filers before it comes on to the agenda,
23 rather than putting an incomplete filing on the agenda
24 having the Board review it, and then having you -- I mean,
25 you know, for you guys to ask me can you please clarify all

1 these items on every single form. But it's inevitable, even
2 though we revised the form, people still have a very, very
3 difficult time filling out this form. So if the Board would
4 like for me to change that procedure, I can do that, too.

5 BOARD MEMBER BOUCHARD: You know, and I don't have
6 any problems with things that like you say are public record
7 that can be verified like the dates of filing and whether
8 it's an original and update. I think even addresses, nobody
9 is really going to dispute that. So I think that is almost
10 a separate issue from maybe some more personal piece of
11 information that may have to be sought maybe then. I don't
12 know. Does that make sense what I'm saying?

13 BOARD MEMBER LEACH: I think when Kristi makes
14 corrections, I think we should have information verbally
15 received, a date and by who on the form.

16 MS. UEOKA: I could note that on the bottom. You
17 know, "5/30 spoke to Susan, verbally okayed all changes to
18 Items 6, 7."

19 BOARD MEMBER LEACH: Yeah, I think we should be
20 just a little more specific. I feel more comfortable with
21 that.

22 CHAIR KAUFMAN: If that's the case, then the Chair
23 will so direct our executive secretary to simply make
24 notations of when you spoke with the individual, and then,
25 of course, what those notations are.

1 MS. UEOKA: Okay.

2 CHAIR KAUFMAN: You can simply initial them as you
3 change them. And if there's no objections from any board
4 members, you are so directed.

5 MS. UEOKA: And just for clarification, we're
6 speaking of mainly Items 1 through 9, not the public
7 information that's on the top portion of the form?

8 CHAIR KAUFMAN: Right, correct.

9 MS. UEOKA: Okay. Thank you.

10 CHAIR KAUFMAN: The Chair had a question on
11 Victorino's Item Number 2.

12 BOARD MEMBER WUKELIC: The first one or the second
13 one?

14 CHAIR KAUFMAN: Both. And Item Number 2, it says
15 Mutual Underwriters, and that doesn't mean anything to your
16 Chair. Now, possibly does Mutual Underwriters mean
17 something to you, Randol, that it would not to others of
18 this group?

19 BOARD MEMBER LEACH: I think that's his employer.
20 That's his insurance agency.

21 CHAIR KAUFMAN: If that's the case, then, in fact,
22 shouldn't the third item of Number 2 be filled out,
23 consideration performed or given?

24 BOARD MEMBER ALULI: Let me ask you. This is an
25 update. It's not an original.

1 CHAIR KAUFMAN: Both of them say the same thing.
2 Just if that's his employer, could we -- the Chair would
3 like to just seek clarification. And I will direct our
4 executive secretary to visit with Mr. Victorino and clarify
5 what Mutual Underwriters is, if that's his employer or what,
6 okay. And that being the case, I think we're okay. We've
7 worked our way through these. And other than the
8 clarification requested for Mr. Victorino, can we have a
9 motion to accept?

10 BOARD MEMBER BOUCHARD: I move that we accept the
11 filings for Halperin -- wait, where is my list? Sorry, I'm
12 not ready.

13 CHAIR KAUFMAN: Go to the minutes -- I mean to the
14 agenda.

15 BOARD MEMBER BOUCHARD: For Halperin, Hanano,
16 Mano, Ornellas and Shimada.

17 CHAIR KAUFMAN: Very good. A second, please.

18 BOARD MEMBER ALULI: Second.

19 CHAIR KAUFMAN: Any further discussion? Seeing
20 none, all in favor?

21 (A chorus of aye's.)

22 CHAIR KAUFMAN: Opposed?

23 (None.)

24 CHAIR KAUFMAN: That has passed. We have no
25 communication items. We have a lobbyist registration form.

1 And I don't know if this is the first time anyone has seen
2 -- some of our newer members might not have seen the
3 lobbyist registration forms before. But we review them, and
4 they are accepted. We do not need to take any action on
5 them other than to accept them. Are there any questions?

6 BOARD MEMBER BOUCHARD: Just if the -- this is a
7 pretty open-ended subject matter that she's describing.
8 Wouldn't that -- I mean I would assume because it's Maui
9 Tomorrow, there's a more specific -- I don't know, maybe
10 that's nitpicky.

11 CHAIR KAUFMAN: My understanding, Jocelyn, is that
12 anything -- any topic that would come up before Maui
13 Tomorrow, that they would decide they need to visit with the
14 Council.

15 BOARD MEMBER BOUCHARD: Then one line leads to the
16 other?

17 CHAIR KAUFMAN: Yes.

18 BOARD MEMBER BOUCHARD: Okay. That's it.

19 CHAIR KAUFMAN: We have accepted the lobbyist
20 registration form. And under announcements, we have
21 received "The High Road," and I hope all of you took and
22 passed the ethics quiz. Very good. And at this point, we
23 will accept a motion to move into executive session.

24 BOARD MEMBER LEACH: Well, I think I deserve to
25 read this.

1 CHAIR KAUFMAN: Randol, you are recognized.

2 BOARD MEMBER LEACH: With reference to the agenda
3 items listed below, one or more executive meetings are
4 anticipated. In particular, the Board of Ethics anticipates
5 it will consider the evaluation, dismissal or disciplining
6 of an officer or employee of the County of Maui where
7 considerations of matters affecting privacy will be
8 involved. The Board may also consult with the Board's
9 attorney on questions and issues pertaining to the Board's
10 powers, duties, privileges, immunities and liabilities.
11 Therefore, pursuant to the Hawaii Revised Statutes HRS
12 Sections 92-5(a)2 and 4, the following items may be
13 considered in executive session.

14 The Board may also convene in adjudicatory session
15 pursuant to HRS Section 92-6, and specifically to address
16 under old business a financial disclosure and correspondence
17 from Patients Without Time, and under new business,
18 financial disclosures and correspondence from Evalina
19 Watanabe.

20 CHAIR KAUFMAN: Is there a second?

21 BOARD MEMBER BOUCHARD: Second.

22 CHAIR KAUFMAN: All in favor?

23 (A chorus of aye's.)

24 (Whereupon, the Board went into Executive
25 Session.)

MEETING RESUMES

1
2
3 CHAIR KAUFMAN: We're now back in Regular Session
4 of the Maui County Board of Ethics. And there being no
5 further business, is there a motion to adjourn out of
6 regular session?

7 BOARD MEMBER ALULI: So moved.

8 BOARD MEMBER DANIELS: Second.

9 CHAIR KAUFMAN: All in favor?

10 (A chorus of aye's.)

11 CHAIR KAUFMAN: We're adjourned.

12 (The meeting ended at 1:35 p.m.)
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, RACHELLE PRIMEAUX, Notary Public for the State of Hawaii, certify:

That the proceedings contained herein were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am neither attorney for any of the parties hereto nor in any way concerned with the cause.

Dated this 11th day of June 2008.



NOTARY PUBLIC, State of Hawaii

My commission expires 6/14/2012