

MAUI COUNTY BOARD OF ETHICS
COUNTY OF MAUI
WEDNESDAY, JANUARY 17, 2007

ORIGINAL

REGULAR MEETING

Held at the County of Maui Planning Conference Room, Kalana
Pakui Building, Wailuku, Maui, Hawaii, commencing at 12:30
p.m. on Wednesday, January 17, 2007.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

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CORPORATION COUNSEL
2007 JAN 31 PM 1:59

1 ATTENDANCE

2 Board of Ethics Meeting, January 17, 2007

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4 BOARD MEMBERS PRESENT:

5 BARRY HELLE, CHAIR

6 ALAN KAUFMAN, VICE-CHAIR

7 ~~JOHN PELE, SECRETARY~~ 9

8 TAMIO IWADO

9 RANDOL LEACH

10 JIM A. STEWART

11 NANE W. ALULI

12 JOCELYN A. BOUCHARD

13 VINCENT R. LINARES

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16 STAFF PRESENT:

17 JOHN D. KIM, DEPUTY CORPORATION COUNSEL

18 LISA KAHUHU, BOARD SECRETARY

19 LINDA KIMURA, ACTING BOARD SECRETARY

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BOARD OF ETHICS
TRANSCRIPT OF PROCEEDINGS
REGULAR SESSION

CHAIRMAN HELLE: I'd like to call to order the Maui County Board of Ethics meeting for Wednesday, January 17th. And the first item on our agenda for the regular session is to take a vote on the minutes of our last meeting, which occurred on December 13th, 2006. At this time we will take a motion.

BOARD MEMBER KAUFMAN: So moved to accept the minutes.

CHAIRMAN HELLE: We have a motion to accept the minutes.

BOARD MEMBER LINARES: Second.

CHAIRMAN HELLE: And a second. All those in favor?

(A chorus of ayes).

We accept the minutes. Going through the agenda here, old business -- public testimony first. Is there anybody here that wants to present public testimony? Okay, we will move on into the old business, which basically there is none.

And new business, we have financial disclosures. Everybody was provided a list of the disclosures in your

1 packet, and at this time we will take a motion on one or all
2 of them. Mr. Kaufman?

3 BOARD MEMBER KAUFMAN: I will move to accept the
4 financial disclosures as submitted by Boteilho, Eng, Hiraga,
5 Kaupalolo, Kuwada, Miyamoto, Villarosa, Yabuta and Young.

6 MS. KAHUHU: Chair, may I make a comment, please?

7 CHAIRMAN HELLE: Sure.

8 MS. KAHUHU: Can we withdraw Jeffrey Eng from this
9 list, because he hasn't been officially appointed by the
10 Council. He submitted his form and he shouldn't be on the
11 list.

12 CHAIRMAN HELLE: But he has to go through the
13 formality of being approved by the Council. So we will take
14 out Jeffrey Eng.

15 Mr. Kaufman, would you like to amend your motion?

16 BOARD MEMBER KAUFMAN: I amend my motion to remove
17 Jeffrey Eng from it.

18 CHAIRMAN HELLE: And a second?

19 BOARD MEMBER LINARES: Second.

20 CHAIRMAN HELLE: We have the second. Any
21 discussion? Hearing none, we will take a vote. All those
22 in favor of approving the disclosures of everyone that's
23 listed here on this list, except Mr. Eng, say "aye."

24 (A chorus of ayes).

25 Okay, those are accepted. Communication items.

1 We were all provided a copy of a letter from Lorna Aratani,
2 Legislative Coordinator from the Office of Information
3 Practices, regarding legislation that is going to be
4 proposed to amend the Sunshine Law. And if you recall, a
5 month or so ago they had asked for our support, and we
6 basically responded to them to keep us informed of any
7 specific legislation. And so they did provide us a copy of
8 their proposed bills, and at this time we can take a motion
9 to support if you will or not support these draft
10 legislation proposals.

11 MR. KIM: Well, Mr. Chair, just to keep the Board
12 informed, the initial letter was to let all boards and
13 commissions throughout the state know that OIP would not be
14 taking the lead in proposing this type of legislation. And
15 our letter, your letter to the Office of Information
16 Practices basically said, "Well, what was the legislation
17 that you submitted?"

18 And so this is the legislation that you got before
19 you that was submitted that they had asked, OIP had asked
20 all boards and commissions to support. It never made it
21 through the legislation. So they are saying in effect that
22 we will support any other group who puts this forward.

23 CHAIRMAN HELLE: Okay, I thought they were
24 resubmitting.

25 MR. KIM: No, there's a misunderstanding going on

1 with all the commissions on the initial letter. So even the
2 Civil Service Commission wanted to know what was that
3 legislation. And so the first bill is to amend the limited
4 meeting for an on-site inspection, and whether or not you
5 need to videotape it and inform the Attorney General.

6 The other one is the interaction of members that
7 would say two or more can meet, but less than quorum so they
8 wouldn't violate the Sunshine Law, because quorum would mean
9 they would have to have a specific agenda item. And you can
10 read through it, and if you have any further questions we
11 can defer it to the next meeting if you want to review it
12 more carefully.

13 CHAIRMAN HELLE: Okay, is there any discussion
14 from the Board at this point?

15 BOARD MEMBER ALULI: I haven't had a chance to
16 really read it in detail and spend any time thinking about
17 it, so I would personally like to have an opportunity to
18 spend a little bit more time. And maybe at our next meeting
19 if we can address the issue, it would be beneficial.

20 BOARD MEMBER LINARES: I agree. I want to know if
21 it's expanding or contracting the Sunshine Law. I want to
22 know more details on it.

23 CHAIRMAN HELLE: So we will defer that to our
24 February meeting.

25 MS. KAHUHU: Chair, can I ask that everybody keep

1 their copies of that letter so that Linda doesn't have to
2 make more copies?

3 MR. KIM: The letter from Miss Aratani?

4 MS. KAHUHU: Yes.

5 CHAIRMAN HELLE: Okay. Also an announcement.

6 Further on our agenda everybody was provided a copy of the
7 High Road, which is just for your information.

8 And with that we come to the end of our regular
9 session. And so at this point we will take a motion to move
10 into executive session.

11 BOARD MEMBER KAUFMAN: So moved.

12 BOARD MEMBER LINARES: Second.

13 CHAIRMAN HELLE: I think we need a little bit more
14 specificity.

15 MR. KIM: The Sunshine Law requires that the
16 executive session be moved into as permitted under
17 92-5(a)(2) and (4). So basically we would ask that any of
18 the Board Members make a motion to go into executive session
19 to address the financial disclosures as well as the
20 personnel issue as reflected on the calendar.

21 BOARD MEMBER ALULI: Can I just say ditto what
22 John said?

23 MR. KIM: The court reporter got it all.

24 CHAIRMAN HELLE: So a second?

25 BOARD MEMBER LINARES: Second.

1 CHAIRMAN HELLE: All those in favor?

2 (A chorus of ayes).

3 (Whereupon the Board adjourned to executive
4 session).

5

6 REGULAR SESSION RESUMED

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8 CHAIRMAN HELLE: All right, we are back in regular
9 session. And we have no further business, so is there a
10 move to adjourn?

11 BOARD MEMBER LINARES: I have a question. I need
12 advice from the Board. Over the next three months -- I'm
13 going overseas on Friday, and I should be back in March. I
14 may miss two or three meetings, so I want to ask you what I
15 should do.

16 BOARD MEMBER KAUFMAN: Have a good time.

17 MR. KIM: Write a letter to that effect and it
18 would be considered an excusable absence.

19 BOARD MEMBER LINARES: I don't want to be counted
20 derelict of duty.

21 MR. KIM: I would suggest you write a letter
22 outlining the dates of travel and when you would not be
23 available to the Board, we did give you a schedule for 2007,
24 and then you have an excusable absence. Because getting
25 board members for our county is very difficult. So since

1 you are on, you're on.

2 BOARD MEMBER LINARES: Which leads me to the next
3 question, if there's any time in the future of this Board
4 that there will be able to be conference calls or voting on
5 the Internet. Is that a consideration or is it against the
6 code?

7 MR. KIM: That's an OIP question. You may want to
8 raise that in the next legislative session to allow that to
9 happen. However, that's not allowable now.

10 BOARD MEMBER LEACH: You have a five year term.
11 Three meetings is okay.

12 BOARD MEMBER STEWART: Pace yourself.

13 CHAIRMAN HELLE: Mr. Iwado.

14 MR. IWADO: Barry, I think this is my last
15 meeting. I'm going to be traveling in the next two months
16 also. So it's been swell.

17 CHAIRMAN HELLE: You will be providing us a letter
18 too to that regard?

19 BOARD MEMBER IWADO: No, my term is up in March.

20 MR. KIM: So you will miss February's meeting and
21 March.

22 MR. IWADO: February and March.

23 CHAIRMAN HELLE: Well, shoot.

24 MR. IWADO: You can send my gold watch in the
25 mail.

1 MR. KIM: We can just swear out a complaint and
2 have you served.

3 BOARD MEMBER LINARES: You get a T-shirt, "I was
4 ethical." (Laughter)

5 CHAIRMAN HELLE: Have your passport revoked.
6 I must say that Tamio and my terms I guess we
7 co-exist, they're co-terms, and it's been a pleasure. So
8 thank you. I'll try to be here in February and March.

9 MR. KIM: There is an election for officers.

10 CHAIRMAN HELLE: That would be on our next agenda,
11 I believe, February.

12 MR. KIM: So watch out, Vinnie.

13 CHAIRMAN HELLE: I got this job because I was
14 absent. There is a precedent set.

15 All those in favor of adjournment?

16 (A chorus of ayes).

17 We are adjourned.

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19 (The proceedings were concluded at 1:15 p.m.)

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

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3 I, JEANNETTE W. IWADO, Notary Public for the State of
4 Hawaii, certify:

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

11
12 Dated the 29th day of January, 2007

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18 _____
19 NOTARY PUBLIC, State of Hawaii
20 My commission expires 2/5/08
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