

MAUI COUNTY BOARD OF ETHICS  
COUNTY OF MAUI

**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, March 14, 2007.

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

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ATTENDANCE

Board of Ethics Meeting, March 14, 2007

BOARD MEMBERS PRESENT:

- BARRY HELLE, CHAIR
- ALAN KAUFMAN, VICE-CHAIR
- JOHN PELE, SECRETARY
- TAMIO IWADO
- RANDOL LEACH
- NANE W. ALULI
- JOCELYN A. BOUCHARD

STAFF PRESENT:

- MADELYN D'ENBEAU, DEPUTY CORPORATION COUNSEL
- LINDA KIMURA, BOARD SECRETARY

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BOARD OF ETHICS  
TRANSCRIPT OF PROCEEDINGS  
REGULAR SESSION

ACTING CHAIR KAUFMAN: The meeting is called to order. Are there any additions or corrections to the minutes?

BOARD MEMBER LEACH: I move that we accept the minutes.

ACTING CHAIR KAUFMAN: If you will give me just a minute, I've got to just check one thing. There has been a motion to accept the minutes.

BOARD MEMBER ALULI: Second.

ACTING CHAIR KAUFMAN: We have a second. All in favor say "aye."

(A chorus of ayes)

It's been accepted. Do we have any public testimony? It doesn't look like any members of the public are here so we'll move right along.

Tamio, you're up here. We have farewell and reading of resolutions for exiting board members Barry Helle and Tamio Iwado. I will suggest that we postpone that item until Barry shows up.

The next item of business is the election of a new

1 chair, Vice-Chair and secretary. Are there any motions from  
2 the floor?

3 BOARD MEMBER ALULI: I make a motion that we elect  
4 Alan Kaufman to the Chair position.

5 BOARD MEMBER LEACH: Second.

6 BOARD MEMBER ALULI: All in favor?

7 ACTING CHAIR KAUFMAN: You're out of order  
8 (Laughter).

9 Are there any other nominations from the floor?  
10 Seeing no other nominations all in favor say "aye."

11 (A chorus of ayes)

12 All opposed?

13 (None)

14 Okay, by acclamation. We need to have a  
15 vice-president. Are there any nominations from the floor?

16 BOARD MEMBER ALULI: Who is not here? Vincent.

17 BOARD MEMBER IWADO: He's taking a six month  
18 leave.

19 ACTING CHAIR KAUFMAN: He's going to be gone, and  
20 I might have to miss a meeting or two.

21 Randol, you are recognized.

22 BOARD MEMBER LEACH: Then I nominate Nane as  
23 Vice-Chair.

24 BOARD MEMBER IWADO: I second.

25 ACTING CHAIR KAUFMAN: Very good. Any other

1 nominations? Seeing none, all in favor say "aye."

2 (A chorus of ayes).

3 Thank you, we have a Vice-Chair. We need to have  
4 a secretary as well.

5 BOARD MEMBER ALULI: Jocelyn.

6 ACTING CHAIR KAUFMAN: Jocelyn has been placed in  
7 nomination by Nane. Is there a second?

8 BOARD MEMBER LEACH: Second.

9 ACTING CHAIR KAUFMAN: Randol, very good. All in  
10 favor say "aye."

11 (A chorus of ayes)

12 All right, we have a secretary as well.

13 BOARD MEMBER IWADO: This Board just moves along  
14 so quickly.

15 ACTING CHAIR KAUFMAN: Under old business,  
16 financial disclosures, we have one for Peter Hanano. Are  
17 there any comments or any information with regard to that  
18 specifically?

19 MS. KIMURA: With regards to item three of the  
20 financial disclosure, the Board requested clarification on  
21 the percentage of Hoku Scientific, which resulted to .00653  
22 percent, and Synotech is .00691 percent. These are stocks,  
23 stock items.

24 ACTING CHAIR KAUFMAN: Are there any questions  
25 with that? Okay, we just needed clarification on that. I

1 don't think we need a motion to accept, correct?

2 MS. KIMURA: That's correct.

3 ACTING CHAIR KAUFMAN: Thank you. And there are  
4 no communication items.

5 Under new business.

6 BOARD MEMBER ALULI: Question, Chair.

7 ACTING CHAIR KAUFMAN: Yes.

8 BOARD MEMBER ALULI: Do we have to vote to accept  
9 that Peter Hanano or not?

10 ACTING CHAIR KAUFMAN: No, we do not. It was  
11 accepted subject to the additional information which was  
12 just supplied. If we're out of here late today I'm going to  
13 blame you. (Laughter)

14 Okay, under new business we have the financial  
15 disclosures that hopefully everyone has had a chance to  
16 review. Would someone like to make a motion?

17 BOARD MEMBER LEACH: I move that we accept the  
18 financial disclosures.

19 BOARD MEMBER BOUCHARD: I'll second.

20 ACTING CHAIR KAUFMAN: That was in totality, I  
21 assume.

22 BOARD MEMBER LEACH: Yes.

23 ACTING CHAIR KAUFMAN: Okay. The Chair is going  
24 to take just a minute and ask for clarification I think on a  
25 couple of them.

1 Tamio, did you have any items of concern?

2 BOARD MEMBER IWADO: On several of the financials  
3 they didn't circle the date of appointment or nomination  
4 papers or election. It's a real minor thing, but maybe the  
5 executive secretary could just check those. Most of them  
6 were appointments, if I'm not mistaken.

7 ACTING CHAIR KAUFMAN: On the same page as you I  
8 think it's Medeiros and Tsuhako. No, it's not. It's not  
9 Medeiros, anyway.

10 BOARD MEMBER LEACH: Moto.

11 BOARD MEMBER BOUCHARD: That's the only one I see.

12 MS. KIMURA: Brian Moto is date of appointment.  
13 But I will go ahead and circle the original.

14 ACTING CHAIR KAUFMAN: The Chair would like a  
15 little clarification too. Under -- pardon me, the acting  
16 chair would. Under the position under Jeffrey Eng his  
17 position is acting director with the Department of Water  
18 Supply. Under occupation he shows general manager Hawaii  
19 Water Service Company. And the question is, is he  
20 simultaneously serving in both positions or is one his  
21 previous employer? Do we know the answer to that?

22 MS. KIMURA: At the time he filled it out it was  
23 as of January 8th, but I can obtain clarification to see if  
24 he's still on the Hawaii Water Service Company.

25 MS. D'ENBEAU: That item specifically says for the

1 previous calendar year, so I don't know, it doesn't tell us  
2 about this calendar year.

3 ACTING CHAIR KAUFMAN: Very good. I appreciate  
4 having that pointed out to me. I noticed there was one  
5 other one like that, and I think the question we want to ask  
6 is if it's ongoing employment as well. So I think that  
7 those can be approved subject to that clarification. Are  
8 there any others then?

9 BOARD MEMBER ALULI: Are you going to check on  
10 that, Linda?

11 MS. KIMURA: Yes, I will.

12 ACTING CHAIR KAUFMAN: The other one that's the  
13 same concern is with Vanessa Medeiros. I believe she was  
14 formerly with the Department of Hawaii Home Lands and I  
15 believe she no longer is.

16 MS. KIMURA: I'll get clarification on both  
17 parties.

18 ACTING CHAIR KAUFMAN: The third one is the same  
19 issue with Lori Tshako. Very good. We have a motion on  
20 the floor I believe to accept all of them. We have three  
21 clarifications. Is there any other discussion on any of the  
22 items? All in favor say "aye."

23 (A chorus of ayes)

24 Opposed?

25 Very good, they've been accepted.



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We have a communication item, a letter from Vincent which I don't have in front of me.

BOARD MEMBER IWADO: It's in the back of the regular session.

ACTING CHAIR KAUFMAN: He says he's taking a vacation, I believe.

BOARD MEMBER ALULI: A lengthy leave of absence.

ACTING CHAIR KAUFMAN: He does desire to continue to serve on the Board. And clarification from Corp Counsel, is there any standard policy for the length of leave of absence?

MS. D'ENBEAU: Not that I am aware of, but I could ask that that be clarified further.

ACTING CHAIR KAUFMAN: Very good. I think we all want to have Vincent on the Board.

BOARD MEMBER IWADO: As fairness to the Board, though, five months is a long time. I would think that you might consider getting another person just so you have a quorum.

ACTING CHAIR KAUFMAN: I think that's an excellent point, Tamio, and if all the other board members fill in and come we shouldn't have an issue with it. I think the deciding factor, at least initially, will be Corporation Counsel's response to the clarification on terms of length of absences from boards. The good thing with Mr. Linares is

1 he's notifying us of the issue, rather than simply calling  
2 in absent once a month just before the meeting.

3 Okay, under lobbyist registration, there are none.  
4 And under announcements status of financial disclosure and  
5 statement filings.

6 MS. KIMURA: For the Board's information, all  
7 council members, directors and deputies have filed their  
8 financial disclosures.

9 ACTING CHAIR KAUFMAN: Thank you very much. That  
10 is the end of the regular session. Is there a motion to  
11 move into executive session?

12 BOARD MEMBER ALULI: So moved.

13 ACTING CHAIR KAUFMAN: Excellent. What you can do  
14 then is turn to the executive session passage and read the  
15 first page and make the full motion.

16 BOARD MEMBER ALULI: Pursuant to Hawaii Revised  
17 Statutes Section 92-5(a) section (2) and (4), and 92-6, I  
18 move that the Board of Ethics go into executive session to  
19 discuss the following matters: Financial disclosures of  
20 various board and commission members, open discussion with  
21 regards to a letter dated February 23rd, 2007 from the newly  
22 appointed Director of Parks and Recreation, and review and  
23 approval of advisory opinion for possible conflicts of  
24 interest regarding reviewing and approving grant  
25 applications for non-profit organizations wherein the spouse

1 is the executive director of the non-profit organization.

2 ACTING CHAIR KAUFMAN: All in favor say "aye."

3 (A chorus of ayes)

4 Passed unanimously.

5 (Whereupon the Board went into executive session).

6 CHAIRMAN HELLE: All right, we are back in regular  
7 session. And at this point we will take a motion to  
8 adjourn.

9 BOARD MEMBER KAUFMAN: No, we won't. We deferred  
10 a piece of action while you were gone. We need to elect you  
11 for another term.

12 CHAIRMAN HELLE: Sorry, can't do that.

13 BOARD MEMBER KAUFMAN: In that case we need to  
14 pass a resolution, which I will submit right now.

15 "Whereas, the Maui County Board of Ethics was  
16 established by the Charter of the County of Maui in 1977;  
17 and

18 Whereas, since April, 2002 BARRY HELLE" -- I don't  
19 have the numbers in front of me. When did you start Tommy,  
20 at the same time, April, 2002?

21 BOARD MEMBER IWADO: Yes.

22 BOARD MEMBER KAUFMAN: "TAMIO IWADO have served as  
23 members of the Maui County Board of Ethics; and

24 Whereas, they've served with dedication and  
25 provided valuable guidance in serving the needs of the

1 employees and people of Maui County; and

2 Whereas, their terms of office expire March 31,  
3 2007; now, therefore,

4 "BE IT RESOLVED, by the Maui County Board of  
5 Ethics that it does hereby express its deepest gratitude and  
6 appreciation to TAMIO IWADO and BARRY HELLE for their  
7 service during the past five years and does hereby extend  
8 its best wishes for your future endeavors; and

9 BE IT FURTHER RESOLVED, that copies of this  
10 resolution be transmitted to the Honorable Charmaine  
11 Tavares, Mayor of the County of Maui and the Honorable G.  
12 Riki Hokama, Chairman of the Maui County Council."

13 CHAIRMAN HELLE: Thank you, I appreciate it. It's  
14 been five good years. Thank you, Tamio. We came in  
15 together and we go out together. It's been fun.

16 MS. KIMURA: The Mayor has these for the Board  
17 Members, so these will be certificates for the Board  
18 Members. (Applause)

19 CHAIRMAN HELLE: Can we adjourn now?

20 BOARD MEMBER KAUFMAN: There was no second to the  
21 motion.

22 BOARD MEMBER ALULI: Where's the champagne?

23 BOARD MEMBER BOUCHARD: Second.

24 CHAIRMAN HELLE: We have a second. All those in  
25 favor of adjournment?

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(A chorus of ayes)

We are adjourned. Thank you.

(The proceedings were concluded at 1:20 p.m.)

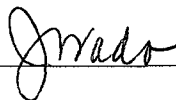
## C E R T I F I C A T I O N

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I, JEANNETTE W. IWADO, 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.

Dated the 23rd day of March, 2007



NOTARY PUBLIC, State of Hawaii

My commission expires 2/5/08