

COUNTY OF MAUI, STATE OF HAWAII

BOARD OF ETHICS

ORIGINAL

MINUTES OF THE REGULAR MEETING

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Held at the Planning Department Conference
Room, Kalana Pakui Building, Wailuku, Maui, Hawaii,
commencing at 12:33 p.m., on Wednesday, April 11, 2007.

REPORTED BY: Katherine Eismann, RDR, CRR, CSR #439

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A P P E A R A N C E S

CHAIRPERSON: ALAN KAUFMAN
VICE-CHAIRPERSON: NANE W. ALULI
SECRETARY: JOCELYN A. BOUCHARD
BOARD MEMBERS: RANDOL LEACH
SHERI-ANN DANIELS
REBECCA WOODS
DEPUTY CORPORATION COUNSEL: JOHN D. KIM
BOARD SECRETARY: LINDA K. KIMURA

1 (Wednesday, April 11, 2007, 12:33 p.m.)

2 * * * * *

3 CHAIRPERSON KAUFMAN: We'll go ahead and
4 call the April 11th meeting of the Board of Ethics to
5 order.

6 And the first item of business is to welcome
7 our new members, Sheri-Ann Daniels and Rebecca Woods.
8 Perhaps our new members would like to introduce
9 themselves and just say a few words, where you are from,
10 where you live, and welcome to be where you are.

11 BOARD MEMBER WOODS: I'm Rebecca Woods. I'm
12 known as Becky. I work at Hale A Ke Ola Resource
13 Center. I live in Olinda, and I have two kids and a
14 husband.

15 CHAIRPERSON KAUFMAN: That sounds pretty
16 full-time. Sheri.

17 BOARD MEMBER WOODS: Sorry. I was just
18 going to say I have been with the shelter for about four
19 years, so, good job.

20 BOARD MEMBER DANIELS: Sheri Daniels. I
21 work for Child and Family Service, two kids. I have two
22 toddlers. I'm just coming back to work. I was at CFS
23 for about five years. I left for like a little hiatus
24 to raise my kids. Did some teaching at MCC, and I live
25 in Kahului. My husband works at MCC, teaches Criminal

1 Justice, and that's it.

2 BOARD MEMBER LEACH: That's a lot.

3 CHAIRPERSON KAUFMAN: That is a lot, and
4 speaking for the Board, we are very glad you are here,
5 and you are very welcome to be here, and climb on for
6 the ride. It will be fun.

7 Okay. We have the minutes of the March 14th
8 meeting. I trust that they have been reviewed. Is
9 there a motion to accept? Do we have a -- Linda.

10 MS. KIMURA: With regard to Board members
11 present, John Pele was not present, so if you could
12 delete his name.

13 CHAIRPERSON KAUFMAN: Thank you for the
14 correction. Are there any other corrections?
15 Additions? If not, a motion to accept.

16 BOARD MEMBER BOUCHARD: I'll move to accept
17 with the amendments as noted.

18 CHAIRPERSON KAUFMAN: Thank you, Jocelyn.
19 Second.

20 BOARDMEMBER LEACH: I'll second.

21 CHAIRPERSON KAUFMAN: Thank you, Randol.
22 All in favor.

23 (Chorus of ayes.)

24 Opposed.

25 (Silence.)

1 The minutes have been accepted. Next item
2 is public testimony. I see that we have one member of
3 the public in the audience. Would you like to introduce
4 yourself?

5 MS. KIMURA: He's here for the advisory
6 opinion in Executive Section.

7 CHAIRPERSON KAUFMAN: Okay. So, we will
8 wait for Executive Session. Under old business, we have
9 the resolution to the exiting Board members Barry Helle
10 and Tamio Iwado.

11 MS. KIMURA: This will be circulated for
12 signature.

13 CHAIRPERSON KAUFMAN: So, as that is going
14 around, please sign. Under further old business, we
15 have the financial disclosures of Eng, Medeiros, and
16 Tsuhako. Is there a motion?

17 MS. KIMURA: The reason why it's under old
18 business, the question posed was whether or not all
19 three directors or deputies were employed at the time
20 they were employed with the County and the answer is no.

21 CHAIRPERSON KAUFMAN: Thank you, Linda.

22 MS. KIMURA: The motion was brought up at
23 the last meeting, so you asked just for clarification.

24 CHAIRPERSON KAUFMAN: Okay. So, with that
25 clarification, then they have been accepted already, is

1 that correct, and there's no further need for a motion?

2 MS. KIMURA: That's correct.

3 CHAIRPERSON KAUFMAN: Thank you, Linda.

4 Communication items, and we have, I believe,
5 clarification from Department of Corporation Counsel
6 regarding the long-term absence of a Board member.
7 John.

8 DEPUTY CORPORATION COUNSEL: Yes? Some of
9 the Boards and Commissions have rules on absences or
10 unexcused absences. I went through the rules for this
11 Board, and you have none.

12 Generally speaking, if the person is going
13 to be away or not able to fulfill his or her duties,
14 they should communicate that with the Office of the
15 Mayor who initially nominated the person and then
16 approved by County Council.

17 Your course of action, for one of your Board
18 members, would be, in this case, to write a letter to
19 the Mayor expressing concerns. If there was, say, a
20 history of absences which caused a lack of quorum, so
21 the Board could not conduct its business, then that
22 would be a major concern.

23 We have had that maybe two or three years
24 ago with one person. The Board member came to the first
25 two meetings and then thereafter never showed. And it

1 was difficult, because it put the Mayor, I guess, in a
2 predicament, because they vouch for this person in front
3 of Council, and then again now the Mayor had to go
4 before Council and ask that person be removed.

5 And so I believe in a last-ditch effort, we
6 got the person to -- that Board member to sign a letter
7 of resignation. They had earlier stated -- the Board
8 member had stated they would do so, but it took like two
9 or three months before we could actually track that
10 member down. And they had gotten kicked out of the Hale
11 A Ke -- from your place.

12 CHAIRPERSON KAUFMAN: Hale A Ke Ola.

13 DEPUTY CORPORATION COUNSEL: And it was just
14 difficult.

15 CHAIRPERSON KAUFMAN: Just as an item of
16 information, I think there has been one occasion in the
17 last three years where this Board met and did not have a
18 quorum at the time of the meeting.

19 DEPUTY CORPORATION COUNSEL: Okay.

20 CHAIRPERSON KAUFMAN: And from personal
21 experience, serving on the Public Safety Commission,
22 there was one member of the Public Safety Commission who
23 never appeared during the last year of his appointment.
24 Fortunately, the other members of the Commission were
25 very active, and so the issue of a quorum never arose.

1 DEPUTY CORPORATION COUNSEL: And that's
2 usually the major concern is the lack of quorum. Okay.
3 Any other questions?

4 CHAIRPERSON KAUFMAN: I think at this point,
5 I know the reason that came up was because of Tamio's
6 concerns. I know Vinny has -- and since you are
7 probably not familiar, Vinny Linares is the Board member
8 who will be gone for, I believe, a total of five
9 meetings, including this one.

10 He's been very active. I don't think he's
11 previously missed meetings, or if he has, it's only been
12 a single meeting. And with two new members, who I'm
13 certain intend to attend every meeting, and with the
14 hardcore attendees, who are also addicts, I think we can
15 probably achieve a quorum fairly successfully. So, we
16 will take no action.

17 Under new business, there are no financial
18 disclosures, no communication items, no lobbyist
19 registrations.

20 We do have the financial disclosure
21 statements from other counties. And just so our new
22 members know where we are, there had been concerns
23 expressed both at our last meeting and several years ago
24 by your current Chair that the existing disclosure form
25 was incomprehensible, and difficult, and dealt with lots

1 of minutia.

2 And the request was made to look at the
3 forms from the other counties within Hawaii to see if
4 their forms would be any better. Are there any comments
5 on the other forms?

6 MS. KIMURA: Just for Board's information,
7 City and County of Honolulu have two forms. One for the
8 Director, Deputies, Council members, and the other form
9 is for Commission and Board members. They have two
10 separate forms.

11 CHAIRPERSON KAUFMAN: Linda, I noted that,
12 but can you clarify or are you aware of a specific
13 reason for that?

14 MS. KIMURA: No, I don't. The City and
15 County, they have their own Board of Ethics. It's not
16 like County of Maui. So, they have one main person that
17 takes care of that, and that's his primary job.

18 So, I don't know if they, in turn, have a
19 detailed, you know, Board where it would be once a month
20 meetings. So, I don't know the extent of the Board
21 meetings.

22 CHAIRPERSON KAUFMAN: Thank you. Randol,
23 you are the one who had asked that these forms come up.
24 Have you got any comments on the other forms?

25 BOARDMEMBER LEACH: Just general comments.

1 Our form looks pretty good compared to the other County
2 forms. But, if it's okay with the Chair, we need to put
3 some thought into if we going to change, and maybe just
4 fine tune our form after looking at some of the other
5 jurisdiction forms.

6 And if it's okay with the Chair, you know,
7 if each of us individually could kind of just brainstorm
8 before our next meeting, just look at our form and the
9 other ones, and we can come back and spend a couple
10 minutes, and --

11 CHAIRPERSON KAUFMAN: Great.

12 BOARD MEMBER LEACH: -- make some
13 recommendations.

14 CHAIRPERSON KAUFMAN: That's a good idea.
15 Okay. I don't think we need to take any official
16 action. We will make it an agenda item for the next
17 meeting to review the form and see if there are any ways
18 that we can make it a little more comprehensible for the
19 people filling it out and simpler for us to review.
20 Okay.

21 BOARD MEMBER LEACH: Just an item or
22 comment, when we turn in some of the paperwork after the
23 meeting, just make sure you don't turn in the forms from
24 the other jurisdiction so you can study them.

25 MS. KIMURA: Thank you.

1 CHAIRPERSON KAUFMAN: Okay. We will also
2 note that the High Road Publication of the State Ethics
3 Commission is also in the package of information that
4 you've received. And if you haven't reviewed that, you
5 should also keep that and have a read through it.

6 Okay. This is the end of the Regular
7 Session agenda.

8 VICE-CHAIRPERSON ALULI: Can I just ask a
9 question.

10 CHAIRPERSON KAUFMAN: Certainly, Nane.

11 VICE-CHAIRPERSON ALULI: Relative to the
12 long-term absence of a Board member, perhaps this is for
13 you, John. If a Board member isn't showing up for
14 meetings, is it something we should address? And if we
15 should, should there be any rule, you know, in our
16 bylaws that kind of controls that absence? Because
17 right now, we don't have anything, right?

18 DEPUTY CORPORATION COUNSEL: That's correct.

19 VICE-CHAIRPERSON ALULI: Would it be
20 worthwhile at least having a discussion about it and
21 maybe putting something in there, John, or is it not
22 worth it?

23 CHAIRPERSON KAUFMAN: I think that's an
24 excellent point, and we should address it.

25 DEPUTY CORPORATION COUNSEL: Well, that's up

1 to the Board, the individual Board and the Board
2 members. You can address it by writing a letter to the
3 member expressing your concerns, or we can adopt a rule.
4 And that would necessitate rule making and publication.
5 That would take about 45 days, once you decide what the
6 rule should be, once we go to public hearing and
7 publication -- publication and public hearing.

8 VICE-CHAIRPERSON ALULI: I don't think it's
9 something we should discuss at this meeting, but perhaps
10 at a future meeting, I think we should spend some time
11 discussing this issue hopefully to avoid anything
12 happening in the future that we might have to address.
13 Rather than have to do it later on, maybe if we address
14 it up front, that would be safer.

15 CHAIRPERSON KAUFMAN: I think that's an
16 excellent point. Just for instance, if a member does
17 not attend meetings and refuses to resign, you are stuck
18 between a rock and a hard spot.

19 So, I sense it is the sense of this Board
20 that we will put this as an agenda item for our next
21 meeting, and I'd request that each of the Board members
22 think about what sort of a rule we would want to adopt.

23 And right off the top, in generalities, you
24 want to think about absences that are excused and
25 absences that are not excused, and that it would be the

1 number of unexcused absences that could automatically
2 trigger a resignation. Does that sound right to
3 Corporation Counsel?

4 DEPUTY CORPORATION COUNSEL: I don't think
5 there's such a thing as automatic resignation. It could
6 be that you could ask the Mayor -- you know, ask this
7 person for a resignation, and let them go ahead. And
8 once that's produced, show that to counsel, and get it
9 handled.

10 But we do have -- I do have sets of rules
11 from other Boards and Commissions that I could print out
12 for your consideration at the next meeting.

13 CHAIRPERSON KAUFMAN: Okay. Excellent. We
14 will expect that in our information packet next month.
15 And it will be an agenda item then, Linda.

16 MS. KIMURA: Okay.

17 CHAIRPERSON KAUFMAN: Okay. We are going to
18 move into Executive Section. We need a motion to move
19 into Executive Section. Jocelyn.

20 BOARD MEMBER BOUCHARD: Pursuant to Hawaii
21 Revised Statute Section 92-5(a)(2) and (4) and 92-6, I
22 move that the Board of Ethics go into Executive Session
23 to discuss the following matters: Financial disclosure
24 of various Board and Commission members and review a
25 request for an advisory opinion from a Commission member

1 regarding a possible conflict of interest.

2 BOARD MEMBER LEACH: I second that.

3 CHAIRPERSON KAUFMAN: The motion has been
4 seconded. All in favor.

5 (Chorus of ayes.)

6 Very good.

7 (Regular meeting recessed 12:47 p.m.

8 Resumed 1:27 p.m.)

9 CHAIRPERSON KAUFMAN: We are now out of
10 Executive Session. And we are back in Regular Session.
11 And is there a motion to adjourn out of Regular Session?

12 BOARDMEMBER LEACH: So move.

13 VICE-CHAIRPERSON ALULI: Seconded.

14 CHAIRPERSON KAUFMAN: And all in favor?

15 (Chorus of ayes.)

16 And our meeting is over, and we did it in
17 less than an hour, ladies and gentlemen.

18 (Adjourned, 1:27 p.m.)

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CERTIFICATION

I, KATHERINE EISMANN, CSR 439 in and for the State of Hawaii, do hereby certify:

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

I further certify that I am not an attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated this 27th day of April 2007.


Katherine Eismann, CSR 439