

COUNTY OF MAUI, STATE OF HAWAII

BOARD OF ETHICS

**ORIGINAL**

MINUTES OF THE REGULAR SESSION

Held at the Planning Department Conference Room, Kalana Pakui Building, Wailuku, Maui, Hawaii, commencing at 12:30 p.m., on Wednesday, August 8, 2007.

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

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

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: ADRIANNE HEELY  
BOARD SECRETARY: LINDA K. KIMURA  
KRISTI UEOKA

1 (Wednesday, August 8, 2007, 12:30 p.m.)

2 \* \* \* \* \*

3 (Board member Daniels is not present.)

4 CHAIRPERSON KAUFMAN: Okay. The meeting of  
5 the Board of Ethics for Wednesday, August 8th, is called  
6 to order. You will note that we do have a quorum.

7 And we have the minutes of our meeting of  
8 the 9th of May. Those have been circulated. Are there  
9 any additions or corrections to those minutes?

10 Seeing none, is there a motion to approve  
11 the minutes as they have been submitted?

12 BOARDMEMBER LEACH: So move.

13 CHAIRPERSON KAUFMAN: Thank you, Randol. Is  
14 there a second?

15 VICE-CHAIRPERSON ALULI: Second.

16 CHAIRPERSON KAUFMAN: All in favor?

17 (Chorus of ayes.)

18 Opposed?

19 (Silence.)

20 Seeing that the minutes have been accepted  
21 unanimously by the Board. Next item on the agenda is  
22 public testimony.

23 MS. KIMURA: They are here for the advisory  
24 opinion.

25 CHAIRPERSON KAUFMAN: So, we have no members

1 of the public for public testimony, simply for the  
2 advisory opinion later in our meeting.

3 Under old business, there are no financial  
4 disclosures.

5 Communication items, we have received, in  
6 our packets, the rules from the other boards and  
7 commissions to consider for adoption regarding long-term  
8 absence of a Board member. We were going to have  
9 recommendations from one of our Board members, who has  
10 now resigned and is no longer on the Board, with regard  
11 to recommendations for the Board regarding long-term  
12 absences.

13 BOARDMEMBER LEACH: Who resigned?

14 VICE-CHAIRPERSON ALULI: John.

15 BOARDMEMBER LEACH: John Pele.

16 MS. KIMURA: John Pele and Jim both  
17 resigned.

18 BOARDMEMBER LEACH: Oh, okay. Stewart.

19 VICE-CHAIRPERSON ALULI: Right.

20 CHAIRPERSON KAUFMAN: And Jim was going to  
21 bring to a previous meeting, where we did not have a  
22 quorum, a set of recommendations, but we do not have  
23 that from anyone -- from any of the Board members.

24 Because we failed to have a quorum for the  
25 last two meetings -- yes, we do have a quorum, Randol.

1 I saw you counting -- it brings a little bit more  
2 immediacy to the Board to come up with a policy  
3 regarding absences of Board members.

4 I don't believe anyone here is immediately  
5 prepared with a recommendation. However, if there are  
6 suggestions or discussion from any of the Board members,  
7 I will accept that now.

8 BOARD MEMBER BOUCHARD: I just have -- in  
9 looking through these, my only comment was I liked the  
10 one that made -- I mean, several of them were pretty  
11 much the exact same language, and I just noted that  
12 there was a couple that actually took it one step  
13 further, besides just, you know, that you are expected  
14 to show up or give notice.

15 That the Commission could recommend to the  
16 Mayor, with three or however many unexcused absences.  
17 So, I just wanted to make that comment that I liked that  
18 additional step, so there was somewhere you could take  
19 it.

20 CHAIRPERSON KAUFMAN: Okay. We have at  
21 least one potential model then that appeals to one Board  
22 member.

23 VICE-CHAIRPERSON ALULI: I thought we had  
24 also -- Linda, two meetings ago, didn't we -- some of us  
25 hand you information on reformatting that form, and you

1 said you were going to maybe put it together?

2 MS. KIMURA: The reformatting was the  
3 financial disclosure statement.

4 VICE-CHAIRPERSON ALULI: Oh, that's right.

5 CHAIRPERSON KAUFMAN: Our next business  
6 item.

7 VICE-CHAIRPERSON ALULI: Right.

8 CHAIRPERSON KAUFMAN: Right now, what we are  
9 looking at is coming up with our own internal policy  
10 with regard to long-term absences.

11 Randol, do you have any input or any feel  
12 for -- after having looked at the various ones that we  
13 had for review?

14 BOARDMEMBER LEACH: No, I think the members  
15 that are here and potential current members, as long as  
16 they are diligent Board members and attend the meetings,  
17 you know, if we can just communicate that, I think that  
18 might also do the trick.

19 CHAIRPERSON KAUFMAN: Jocelyn, if there's a  
20 particular one that you like, would you be prepared to  
21 submit that in the form of a motion today?

22 BOARD MEMBER BOUCHARD: I could make the  
23 motion. It was the Fire & Public Safety Commission one  
24 in particular that I liked.

25 CHAIRPERSON KAUFMAN: Would you please read

1 that to the Board, so we can all hear it while you  
2 are -- while they are looking for it in their packets.

3 BOARD MEMBER BOUCHARD: Yes. It states no  
4 member shall be absent from the service of the  
5 Commission unless the member is sick or otherwise unable  
6 to attend and has so advised the Chairperson at least 24  
7 hours prior to the meeting. The Commission may  
8 recommend to the Mayor and the Council the removal of  
9 any Commission member who has three consecutive  
10 unexcused absences from any regular scheduled meetings.

11 CHAIRPERSON KAUFMAN: Okay. That was made  
12 in the form of a motion for our own internal policy with  
13 regard to long-term absences. It doesn't actually  
14 address long-term absences. However, it does address  
15 absences.

16 BOARD MEMBER BOUCHARD: Uh-huh.

17 CHAIRPERSON KAUFMAN: Is there a second to  
18 that motion?

19 VICE-CHAIRPERSON ALULI: Can I add something  
20 to the --

21 CHAIRPERSON KAUFMAN: Parliamentary  
22 procedure, we will get a second first.

23 BOARDMEMBER LEACH: I will second.

24 CHAIRPERSON KAUFMAN: Thank you, Randol.  
25 Okay. Go ahead, Nane.

1 VICE-CHAIRPERSON ALULI: Discussion, I'd  
2 like to consider changing just one part of that from  
3 advising the Chair to perhaps advising the secretary.  
4 That would be easier, I think, that way.

5 CHAIRPERSON KAUFMAN: I think that would be  
6 the executive secretary.

7 VICE-CHAIRPERSON ALULI: Yes.

8 CHAIRPERSON KAUFMAN: So, is that in the  
9 form of a motion, a friendly amendment to the motion?

10 VICE-CHAIRPERSON ALULI: Yes.

11 CHAIRPERSON KAUFMAN: It's a friendly  
12 amendment, and it's accepted as such.

13 BOARD MEMBER BOUCHARD: Yes.

14 CHAIRPERSON KAUFMAN: Okay.

15 BOARD MEMBER BOUCHARD: So, I will second.

16 CHAIRPERSON KAUFMAN: So, is there any  
17 additional discussion?

18 BOARDMEMBER LEACH: Question. Unexcused  
19 absences, who determines the absence if it's excused or  
20 unexcused?

21 BOARD MEMBER BOUCHARD: I believe if they  
22 haven't contacted, as per the recommendations, it's  
23 considered unexcused.

24 BOARDMEMBER LEACH: Well, I would -- I think  
25 three is kind of high for unexcused absence. I wouldn't

1 have a problem making that maybe two. If we don't hear  
2 from someone for three times, that just shows a lack of  
3 concern for the Board members among others, I would  
4 think.

5 BOARD MEMBER WOODS: Would that be one per  
6 year or --

7 BOARDMEMBER LEACH: It just says  
8 consecutive.

9 BOARD MEMBER WOODS: Oh, consecutive.

10 CHAIRPERSON KAUFMAN: It's obviously a very  
11 broad term.

12 (Board Member Daniels is now present.)

13 BOARDMEMBER LEACH: Just seems kind of --  
14 three unexcused absences, that's someone who doesn't  
15 call and say they are going to come to a meeting for  
16 three times in a row. And I could see one, even two in  
17 a row would show a lack of responsibility to me. I  
18 mean, the circumstances would --

19 BOARD MEMBER BOUCHARD: It's interesting. I  
20 think this is pretty standard. I mean, I have seen this  
21 before, and for some reason it is always three. And I  
22 don't know. I mean, I tend to agree with you. I don't  
23 know why.

24 CHAIRPERSON KAUFMAN: It's probably -- the  
25 Chair would suggest it's probably always three simply

1 because it's very hard for the Mayor to appoint people  
2 to these commissions. And there's a -- I am sorry?

3 DEPUTY CORPORATION COUNSEL: And I think I  
4 read it in the past minutes that the Mayor she would  
5 accept recommendations, but she would be very hesitant,  
6 because these boards are volunteer boards, and you guys  
7 are appointed by the Charter, et cetera, and she does  
8 appreciate the service that you guys do.

9 But I'm not sure the history of the three  
10 unexcused absences. And if I may, I did remember  
11 reading through your folks' previous minutes, and there  
12 was some discussion about lengthy unexcused absences  
13 or -- I'm not sure if you guys wanted to --

14 CHAIRPERSON KAUFMAN: Leave of absences.

15 DEPUTY CORPORATION: Leave of absences. I  
16 am not sure if you guys wanted to incorporate that into  
17 your internal policy when considering an internal  
18 policy, because the previous one was on an extended  
19 vacation or something.

20 MS. KIMURA: For clarification, there were  
21 no unexcused. There were always excused absences. So,  
22 I don't know if that would make a difference in amending  
23 the new policy.

24 CHAIRPERSON KAUFMAN: The Chair would  
25 suggest there have been situations where individuals

1 have simply disappeared from boards and commissions.  
2 And by having a policy in place, if there's no  
3 communication from somebody, at least the Board can sit  
4 up and take action and let the Mayor know that there  
5 needs to be a new appointment made.

6 One of the things we discussed previously is  
7 that we need to have a great deal of flexibility,  
8 because each situation remains different. We can't come  
9 up with a policy that will conceivably address every  
10 potential situation that will arise in the future.

11 The point was also previously made that at  
12 least if we have policy in place, we can always revisit  
13 it and come back and change it, but we currently have no  
14 policy in place at all.

15 The Chair's comfort level is fairly good  
16 with the motion that Jocelyn has made along with the  
17 friendly amendment from Nane, and I think we could use  
18 this as a starting place. And if it needs to be amended  
19 in the future, then we can go ahead and do so.

20 MS. KIMURA: Okay. For clarification, any  
21 amendments to the policy need to be approved now by Corp  
22 Counsel, and then it has to go before a public hearing.  
23 So, we can't simply just adopt the rule.

24 DEPUTY CORPORATION COUNSEL: I think Linda  
25 is correct in respect to if you guys decide to change

1 your rules -- because I know what Board Member Bouchard  
2 quoted is part of the Fire & Public Safety Commission  
3 Rules of Practice and Procedures.

4 Now just thumbing through Board of Ethics  
5 rules -- administrative rules, they don't have a  
6 specific section number on attendance. Every other  
7 board or commission that I have sat on and that I am  
8 sitting on do have a specific section number for  
9 attendance.

10 So, it would be a long, drawn-out process in  
11 terms of making a resolution to amend your rules to  
12 include a specific section on attendance. If you want  
13 to have an internal policy, that could be an action by  
14 the Board and voted upon that, and then we can -- if the  
15 Board wanted to discuss later to adopt a specific  
16 section on attendance to incorporate in their  
17 administrative rules, we can discuss the procedure for  
18 doing that in the future.

19 CHAIRPERSON KAUFMAN: Thank you, Linda. At  
20 this point, we can adopt policy without going through  
21 the entire procedure. And I believe the motion, as it  
22 was made to institute this, was simply as a Board policy  
23 rather than as an administrative rule.

24 Okay. Looking at all the nodding heads, it  
25 looks like we are all in agreement. So, we have a

1 motion on the floor to adopt as policy -- Jocelyn, could  
2 you read the motion one more time?

3 BOARD MEMBER BOUCHARD: No member shall be  
4 absent from the service of the Commission unless the  
5 member is sick or otherwise unable to attend and has so  
6 advised -- and this -- and we revised this to say the  
7 executive secretary at least 24 hours prior to the  
8 meeting.

9 The Commission may recommend to the Mayor  
10 and the Council the removal of any Commission member who  
11 has three consecutive unexcused absences from any  
12 regular scheduled meetings.

13 CHAIRPERSON KAUFMAN: Okay. That's the  
14 motion. It's been moved and seconded. All in favor.

15 (Chorus of ayes.)

16 Opposed.

17 (Silence.)

18 Okay. We have set our house in order, and  
19 we now have a policy with regard to unexcused absences.  
20 And perhaps our Corporation Counsel can begin work to  
21 look at what it would take to modify it from simply a  
22 policy change to a rule change.

23 DEPUTY CORPORATION COUNSEL: Mahalo, Chair.  
24 Will do.

25 CHAIRPERSON KAUFMAN: Thank you. The next

1 item of business is with regard to the revised draft of  
2 the financial disclosure statements. Linda.

3 MS. KIMURA: In your packet, I included  
4 Chapter 2.56, Code of Ethics, in which the financial  
5 disclosure was first created. So, if there are any  
6 changes that are going to be made, just be careful  
7 reviewing those County Codes.

8 The changes I have made are basically format  
9 only. Just some grammatical changes only. Current  
10 members, as well as new members, are still using the old  
11 form. So, we need to basically adopt this form, if you  
12 want to use it, or if there's going to be any changes to  
13 be made to it.

14 CHAIRPERSON KAUFMAN: Okay. Has everybody  
15 had a chance to review the form? I would suggest  
16 everybody go ahead and take a quick look at it right  
17 now. And Linda, this is in the Regular Session minutes?

18 BOARDMEMBER LEACH: Linda, I just have a  
19 question. How do you like the new format, the two pages  
20 instead of one?

21 MS. KIMURA: Two pages?

22 BOARDMEMBER LEACH: The two pages instead of  
23 one long page.

24 MS. KIMURA: I think he's easier to fill out  
25 for the boards, commissions, directors rather than

1 having one page. I think it's easier to copy.

2 BOARDMEMBER LEACH: Yeah, okay. Makes  
3 sense.

4 CHAIRPERSON KAUFMAN: Okay. Now, this is a  
5 format and grammatical change only, so it does not  
6 require any other action other than to accept it as a  
7 new format, Linda?

8 MS. KIMURA: That's correct. I need a  
9 motion to adopt this new form.

10 CHAIRPERSON KAUFMAN: Okay.

11 BOARDMEMBER LEACH: I will make the motion  
12 that we accept the reformatted disclosure form.

13 CHAIRPERSON KAUFMAN: And second, please.

14 BOARD MEMBER WOODS: I second the motion.

15 CHAIRPERSON KAUFMAN: Thank you, Rebecca.

16 Is there any further discussion? Everybody has got the  
17 form and is familiar with it? It's two pages, and each  
18 item is now in its own boxed brackets. And hopefully,  
19 it will make Linda's job easier.

20 Oh, yes, right. You are going to pass the  
21 torch, Linda, and our own jobs easier, too, in reviewing  
22 materials, as well as make it easier for people filling  
23 these forms out. Okay?

24 We have a motion on the floor. All in  
25 favor.

1 (Chorus of ayes.)

2 Opposed.

3 (Silence.)

4 The motion carries unanimously.

5 What is the procedure, Linda, for now  
6 distributing these? At what point in time will they be  
7 adopted and distributed?

8 MS. KIMURA: I suggest 2008. Right now, all  
9 the board members and committee members, commissions  
10 have completed their forms. The two new directors have  
11 used the old form. I could suggest the year 2008.

12 Anyone filling out the forms are for people  
13 who have resigned. It's not new members.

14 CHAIRPERSON KAUFMAN: Okay. Thank you. Is  
15 there any need to put any sort of explanation with the  
16 forms when they are received for the old timers who will  
17 be filling them out and saying, oh, no, they have  
18 changed the form?

19 MS. KIMURA: There's a standard letter that  
20 goes out to the directors, deputies, Council members  
21 commission members to fill out the form, and I don't see  
22 any reason explaining the new form, because  
23 question-wise, they are all the same.

24 CHAIRPERSON KAUFMAN: Thank you. Okay. We  
25 have the review and approval of an advisory opinion for

1 Kyle Ginoza regarding potential conflicts of interest  
2 concerning former capacity as Director of Transportation  
3 and current employment. Have you circulated --

4 MS. KIMURA: The Board's packets included  
5 the opinion, if there's any changes. If not, it's ready  
6 for signature.

7 CHAIRPERSON KAUFMAN: Did any of the Board  
8 members have any questions with regard to the letter?  
9 Seeing none, go ahead and circulate for signature.

10 Okay. We are going to move into new  
11 business. And under new business, we have financial  
12 disclosures. The first two are for Gregory Kresge and  
13 for Cheryl Okuma.

14 Are there any questions about those? If  
15 not, we will take a motion to accept them as they have  
16 been submitted.

17 BOARD MEMBER BOUCHARD: So moved.

18 CHAIRPERSON KAUFMAN: Thank you, Jocelyn.  
19 And a second, please?

20 VICE-CHAIRPERSON ALULI: I will second.

21 CHAIRPERSON KAUFMAN: Nane. All in favor?

22 (Chorus of ayes.)

23 Okay. So, those have now been accepted.

24 Any opposed?

25 (Silence.)

1                   None? Thank you.

2                   Under communication items, we have a letter  
3 to me from Fred Rohlfing dated May 12, 2007. There is  
4 no action that need be taken with that letter other than  
5 to recognize that it's there and accept it.

6                   The next item is a request for an advisory  
7 opinion from an employee of the Department of Fire &  
8 Public Safety regarding part-time employment conflicts  
9 of interest.

10                  MS. KIMURA: We have Wade Orikasa to  
11 testify.

12                  CHAIRPERSON KAUFMAN: If you would like to  
13 step up, and just introduce yourself, and state your  
14 name for the record.

15                  MR. ORIKASA: My name is Wade Orikasa. I  
16 was going to explain my situation to you guys.  
17 Currently, I'm a full-time -- I work full time as a Maui  
18 County Fire Department or fire fighter since 2005.

19                  I work part time for Maui Fire Control.  
20 Been licensed since 1999. I actually been working there  
21 before that, but been licensed since '99.

22                  Maui Fire Control, my part-time business,  
23 it's a private business. It's -- we are a fire  
24 protection company. Type of work we do is maintain  
25 servicing of fire extinguishers, fire hoses. We do

1 testing of fire sprinkler systems, fire wet and dry  
2 standpipes for buildings. We also do fire systems --  
3 fire systems on marine boats and stuff like that.

4 As of right now, my license for Maui Fire  
5 Control is up for renewal. The procedure to get my  
6 renewal of my license is to go through the Fire  
7 Prevention. From there, they will send my application  
8 to Oahu. Excuse me. And then they will send the tests  
9 for renewal. I will take the test and stuff like that.

10 The Captain for the Fire Prevention, Val  
11 Martin, he talked with the Fire Chief, Carl -- Chief  
12 Carl Kapalolo with my situation, that I am a fire  
13 fighter and my part-time job.

14 They said -- you know, he explained it to  
15 the Chief. The Chief said it's all right, but they  
16 asked me to go through the Board of Ethics, and this is  
17 where I am now.

18 CHAIRPERSON KAUFMAN: Okay. And thank you  
19 for coming. Are you familiar with the Code of Ethics?  
20 Have you received a copy or had the opportunity to  
21 review it?

22 MR. ORIKASA: No, I haven't really.

23 CHAIRPERSON KAUFMAN: On the face, there  
24 would appear to the Chair to be no obvious conflict of  
25 interest or violation of the Code of Ethics with you

1 proceeding as you intend to do. You would be cautioned  
2 that you should review the Code of Ethics, specifically  
3 Section 10.4. Okay?

4 MR. ORIKASA: Okay.

5 CHAIRPERSON KAUFMAN: And this has a  
6 specific list of prohibitions.

7 MR. ORIKASA: Okay.

8 CHAIRPERSON KAUFMAN: And rather than read  
9 the entire materials to you, what we will want to do is  
10 simply make sure that it is available to you for review,  
11 and we will be providing you, subject to a vote of this  
12 body, a letter cautioning you to conduct your  
13 activities, with this job, keeping in mind that there  
14 are some specific prohibitions.

15 MR. ORIKASA: Okay.

16 CHAIRPERSON KAUFMAN: That is the general  
17 outline that the Chair has seen after reviewing the  
18 materials. Do any other members of the Board have  
19 comments or concerns with regard to what we have been  
20 presented with?

21 BOARDMEMBER LEACH: Just --

22 BOARD MEMBER DANIELS: I --

23 BOARDMEMBER LEACH: Go ahead.

24 BOARD MEMBER DANIELS: My only question is  
25 do the people who hire the -- your part-time employer,

1 do they hire them based on knowledge that you are  
2 currently employed as a fire fighter?

3 MR. ORIKASA: Well, actually, I have been  
4 working for this -- my part-time job before I got in the  
5 Fire Department. So, I mean, my boss, he -- he said  
6 he's fine with it as long as -- you know, as, like I  
7 said, I'm going through the Fire Prevention to renew my  
8 license and also the Chief, as long as they are okay  
9 with it, he's okay with it.

10 CHAIRPERSON KAUFMAN: Just to elaborate,  
11 because I think that's a real good question, Sheri-Ann,  
12 part of Section 10.4 includes items such as -- and I  
13 will do it just in brief for you.

14 Disclose information which by law or  
15 practice is not available to the public, in which the  
16 officer or employee acquires, in the course of the  
17 officer or employee's official duties. The object of  
18 this is to make sure that people working for the County  
19 don't use inside knowledge to personally benefit.

20 Because you have been working in this  
21 position for the -- in private enterprise before you  
22 ever came to the County's employment, obviously, to this  
23 Board, the -- it's not because of the special knowledge  
24 you have as a fire fighter, but from the training you  
25 have received while you were working for the private

1 enterprise.

2 Are there any other questions from the Board  
3 members?

4 Okay. I think that the next question is how  
5 soon do you need the advisory opinion? The answer is we  
6 can come up with a provisional one fairly quickly.

7 MR. ORIKASA: Okay.

8 CHAIRPERSON KAUFMAN: But typically, we  
9 have, I believe, 45 days to put one into your hands. If  
10 you don't need it immediately, it could take up to 45  
11 days.

12 MR. ORIKASA: Oh, no, no. It's no problem,  
13 because actually we are just waiting for the test from  
14 the Fire Prevention for my renewal. So, I don't know  
15 when that is. So, I mean, it's -- to me, it's no rush  
16 right now.

17 CHAIRPERSON KAUFMAN: Okay.

18 MR. ORIKASA: I'm in no rush.

19 CHAIRPERSON KAUFMAN: We will do our best to  
20 provide it for you and have the signed letter then a  
21 month from now at the next meeting.

22 MR. ORIKASA: Okay.

23 CHAIRPERSON KAUFMAN: Okay. Very good. Any  
24 other questions?

25 BOARDMEMBER LEACH: Just one question. I am

1 curious. The test that you are taking, is that for the  
2 County job or for the part-time job?

3 MR. ORIKASA: Oh, that's for my part-time  
4 job.

5 BOARDMEMBER LEACH: You have to have a  
6 special license for that?

7 MR. ORIKASA: Yeah, so it's for the fire  
8 extinguisher servicing and stuff like that.

9 BOARDMEMBER LEACH: Thank you.

10 CHAIRPERSON KAUFMAN: Okay. And one last  
11 question. Corporation Counsel, do we need this in the  
12 form of a motion?

13 DEPUTY CORPORATION COUNSEL: Yes.

14 CHAIRPERSON KAUFMAN: We do? Okay. So, we  
15 are going to need a motion to --

16 DEPUTY CORPORATION COUNSEL: Mahalo, Chair.  
17 And if the Chair can reiterate the essentials of what  
18 the opinion will state, and then we can make a motion  
19 to finalize an advisory opinion.

20 CHAIRPERSON KAUFMAN: The motion will  
21 specifically indicate that Section 10.4 applies to the  
22 specific prohibitions. And, in particular, Section  
23 10.4-1(b), 1(c), 1(d) and 10.4-4 are the applicable  
24 sections of the Code of Ethics.

25 DEPUTY CORPORATION COUNSEL: Will Mr. Ginoza

1 will be provided with a copy of 10.4 for his files or --

2 MS. KIMURA: Mr. Orikasa.

3 DEPUTY CORPORATION COUNSEL: Excuse me?

4 CHAIRPERSON KAUFMAN: Mr. Orikasa.

5 DEPUTY CORPORATION COUNSEL: Oh, I am sorry.

6 VICE-CHAIRPERSON ALULI: That's another one.

7 CHAIRPERSON KAUFMAN: And that we will go  
8 ahead with that advisory opinion and provide you with a  
9 copy of the Code of Ethics.

10 MR. ORIKASA: Oh, okay.

11 CHAIRPERSON KAUFMAN: And if you are  
12 computer literate, you can go on and Google it, and you  
13 can read it before next month.

14 MR. ORIKASA: Okay, thank you.

15 CHAIRPERSON KAUFMAN: We have got the  
16 motion. All in favor.

17 (Chorus of ayes.)

18 Opposed.

19 (Silence.)

20 Okay. The motion passed. Thank you very  
21 much.

22 MR. ORIKASA: Thank you.

23 BOARDMEMBER LEACH: Did we have a second to  
24 the motion?

25 BOARD MEMBER WOODS: We never seconded the

1 motion.

2 CHAIRPERSON KAUFMAN: The Chair apologizes  
3 to the Board. Rebecca has seconded the motion. Thank  
4 you very much.

5 We have also received two lobbyist  
6 registrations, Richard Botti and Edward Thompson. And  
7 there is no action that needs to be taken on those other  
8 than to receive them.

9 Next item of business in Regular Session is  
10 the announcements. We have received the resignations of  
11 Board Members John Pele and Jim Stewart. And can we or  
12 do we have yet letters thanking them for their service?

13 MS. KIMURA: No, I just received their  
14 resignation letter. Would you like letters sent to  
15 them?

16 CHAIRPERSON KAUFMAN: The Chair would, and I  
17 believe that the Board would echo that sentiment.

18 MS. KIMURA: Okay.

19 CHAIRPERSON KAUFMAN: And we have also  
20 received in our packets a copy of the High Road, which  
21 is a publication of the State Ethics Commission. It's  
22 the June '07 issue. This comes out every year. It's  
23 always good reading.

24 And that is the end of the Regular Session.  
25 We now need a motion to move into Executive Session.

1 Who is going to be so bold as to make the motion?

2 BOARD MEMBER WOODS: I motion we move into  
3 the Executive Session.

4 CHAIRPERSON KAUFMAN: And that's a wonderful  
5 beginning, but we have got to be a little bit more  
6 elaborate than that.

7 BOARD MEMBER WOODS: Oh, okay.

8 BOARDMEMBER LEACH: Do you want to take that  
9 back?

10 BOARD MEMBER WOODS: With reference to the  
11 agenda items listed below, one or more executive  
12 meetings are anticipated. In particular, the Board of  
13 Ethics anticipates it will consider the evaluation,  
14 dismissal, or disciplining of an officer or employee of  
15 the County of Maui where considerations of matters  
16 affecting privacy will be involved.

17 The Board may also consult with the Board's  
18 attorney on questions and issues pertaining to the  
19 Board's powers, duties, privileges, immunities and  
20 liabilities.

21 Therefore, pursuant to Hawaii Revised  
22 Statute HRS Sections 92-5(a)2 and (4), the following  
23 items may be considered in Executive Session. The Board  
24 may also convene in Adjudicatory Session pursuant to HRS  
25 Section 92-6.

1 CHAIRPERSON KAUFMAN: And then I will  
2 enumerate for you the following items that will be  
3 concerned are going to be financial disclosures as well  
4 as communication items and an advisory opinion for  
5 Parks & Recreation.

6 Okay. There's been a motion to move into  
7 Executive Session. Is there a second?

8 BOARD MEMBER BOUCHARD: Second.

9 CHAIRPERSON KAUFMAN: Second. All in favor.  
10 (Chorus of ayes.)

11 (Regular Session recessed 1:03 p.m. Resumed  
12 1:43 p.m.)

13 CHAIRPERSON KAUFMAN: We are out of  
14 Executive Session and back in the Regular Session. And  
15 I appreciate Corporation Counsel's information which was  
16 now given in Regular Session.

17 And I will ask Linda, has the Mayor been  
18 made aware of the resignations and the vacancies that  
19 exist on the Board?

20 MS. KIMURA: Yes, they were notified by the  
21 members directly. They sent a letter to the Mayor. I  
22 briefly did talk to Diane Wakamatsu, who is the  
23 Executive Assistant. And she -- I guess they get a list  
24 of applicants, and they will provide their  
25 recommendation to Council Committee. And once that's

1 approved, it goes to Council.

2 CHAIRPERSON KAUFMAN: Okay. So, we are  
3 already in motion in terms of having appointments made  
4 to the Board to fill the vacancy, correct?

5 MS. KIMURA: That's correct.

6 CHAIRPERSON KAUFMAN: That's a wonderful  
7 thing. Okay. We are in Regular Session. Is there a  
8 motion to adjourn from Regular Session?

9 BOARDMEMBER LEACH: So move.

10 BOARD MEMBER BOUCHARD: So move.

11 BOARDMEMBER LEACH: Second.

12 CHAIRPERSON KAUFMAN: All in favor.

13 (Chorus of ayes.)

14 Thank you very much for being such a great  
15 Board to work with.

16 (Adjourned, 1:45 p.m.)

17

18

19

20

21

22

23

24

25

**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: August 17, 2007

  
Katherine Eismann, CSR 439