

BOARD OF ETHICS  
COUNTY OF MAUI  
REGULAR MEETING

ORIGINAL

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

REPORTED BY: RACHELLE PRIMEAUX, CSR #370

ATTENDANCE

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BOARD MEMBERS PRESENT:

ALAN KAUFMAN, CHAIR

NANE W. ALULI, VICE-CHAIR

RANDOL LEACH

JOCELYN A. BOUCHARD

REBECCA WOODS

VINCENT R. LINARES

STAFF PRESENT:

KRISTI LYN UEOKA, BOARD SECRETARY

LINDA KIMURA, BOARD SECRETARY

ADREAN HEELY, DEPUTY CORPORATION COUNSEL

DAVID A. GALAZIN, DEPUTY CORPORATION COUNSEL

## 1 TRANSCRIPT OF PROCEEDINGS

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3 CHAIR KAUFMAN: This is the regular session of the  
4 Maui County Board of Ethics meeting of September 12th, 2007,  
5 and the meeting is called to order. The first item of  
6 business is the minutes of the August 8th, 2007, meeting.  
7 Does anybody have additional corrections to the minutes of  
8 that meeting? If not, would someone like to make a motion  
9 to approve the minutes?

10 BOARD MEMBER ALULI: I will make the motion to  
11 approve the minutes.

12 BOARD MEMBER BOUCHARD: Second.

13 CHAIR KAUFMAN: Jocelyn, thank you. The third  
14 item is public testimony. Now, this is public testimony  
15 outside of agenda items, so if there are any members of the  
16 public here who are not already on the schedule, you can let  
17 me know. I think everyone here is already scheduled, so the  
18 next item is old business. Financial disclosures, there are  
19 none. Communication items, there are none. And then we  
20 need to review and approve the advisory opinion for an  
21 opinion of the Department of Fire and Public Safety  
22 regarding part-time employment of conflicts of interest. Is  
23 that opinion ready?

24 MS. UEOKA: Yes, it is.

25 CHAIR KAUFMAN: Do you care to circulate it for

1 signature? But first let's get it approved. Does everybody  
2 have the copy in their packet? Does anybody have any  
3 questions about it? If not, it is accepted as it's been put  
4 together. We'll go ahead and circulate for signature.  
5 While it's circulating, we'll proceed to new business.

6 Under new business, financial disclosures, there  
7 is a single one. And it is an amendment to his financial  
8 declaration by Mr. Wayne Boteilho. Are there any comments  
9 on the amendment?

10 BOARD MEMBER ALULI: Yeah, just a point that I  
11 would like to make. I noticed the name of a company that he  
12 has 100 percent ownership in. And I think it would be valid  
13 or valuable information to know what exactly the company  
14 does. Shaken Productions doesn't mean anything, so I think  
15 it would help us to get some insight into what type of  
16 business it is just so we can fully be aware of whether  
17 there is the possibility of some kind of involvement in the  
18 governmental element.

19 CHAIR KAUFMAN: Excellent point. You'll see I've  
20 circled the same questions on my copy. And what seems to be  
21 missing is the nature of the business as well as the value  
22 of the investment. He has put in 100 percent, but that does  
23 not tell us what the value is, so in that case, we will  
24 defer approval of the amended form until we receive  
25 clarification at the next meeting.

1 MS. UEOKA: Okay.

2 CHAIR KAUFMAN: Thank you very much. No  
3 communication items and no lobbyist registrations, so we're  
4 going to proceed right into the announcements. We have  
5 letters of appreciation for our resigning board members John  
6 Pele and Jim Stewart. And without comment, we'll send those  
7 off under my signature. Do we have any information on the  
8 status of appointment of replacement board members?

9 MS. UEOKA: We do. I spoke to Diane Wakamatsu,  
10 who is the head executive assistant to the mayor. And she  
11 said that by letter to the Council Policy Committee dated  
12 August 20th, 2007, the mayor submitted the names of C.  
13 Gretchen Guy to replace Jim Stewart's unexpired term and  
14 Peter Solman to replace John Pele's unexpired term. Council  
15 approval is required for these nominations, so it's been  
16 placed on the Council's Policy Committee meeting of  
17 September 18th, 2007. If these nominees are recommended for  
18 approval by the committee, their appointments will not be  
19 confirmed until the Council formally adopts the policy or  
20 the committee report at the October 5th, 2007, Council  
21 meeting.

22 So it still will be a little bit -- a little bit a  
23 ways away, but at least we have progress because we have two  
24 names.

25 CHAIR KAUFMAN: Absolutely. So it looks like I

1 will ask all the other board members to do their best to  
2 attend our next meeting as well so we can maintain a quorum.

3 BOARD MEMBER BOUCHARD: So this is probably where  
4 I need to tell you I will be off island for the next  
5 meeting.

6 CHAIR KAUFMAN: Thank you, Jocelyn. The point of  
7 that would be that every other member of the board would  
8 need to attend for us to have quorum for our next session.

9 BOARD MEMBER ALULI: What's the date on that,  
10 October 9th? October 9th. Because I'm off island, too.

11 MS. UEOKA: I have October 10th.

12 BOARD MEMBER ALULI: I'm off island also.

13 CHAIR KAUFMAN: Let's do the quick math here. It  
14 seems like we would have no more than four members at the  
15 meeting.

16 MS. UEOKA: That is if Sheri and Vincent attend.  
17 Vincent is supposed to be here today, so he was going to be  
18 making this meeting. I haven't heard from him.

19 CHAIR KAUFMAN: So possibly we'll still have  
20 quorum then. Very good. Okay. Well, there's hope for the  
21 future then. At this time, I would like to introduce David  
22 Galazin, who is Deputy Corporation Counsel. He's also going  
23 to be assigned to the Board of Ethics. David, would you  
24 like to introduce yourself and say a few things about  
25 yourself for the Board?

1 MR. GALAZIN: Hi, I'm David Galazin. I've been  
2 with the County since July of this year. And I will be  
3 backing up Adrean. When she's absent, I will be taking over  
4 Board of Ethics. My other duties are advising Environmental  
5 Management, Public Works Department, some of those areas. I  
6 came over from Oahu this summer, and I've got a ten-year-old  
7 at Kamehameha back in Oahu and a three-month-old.

8 CHAIR KAUFMAN: Congratulations on all of that.

9 MR. GALAZIN: Thanks.

10 CHAIR KAUFMAN: And welcome to the Maui County  
11 Board of Ethics.

12 MR. GALAZIN: Thank you.

13 CHAIR KAUFMAN: That is all of the business for  
14 the regular session at this time. We will need a motion to  
15 move into executive session. Is one of our board members  
16 with an adroit vocabulary prepared to make a motion to move  
17 us into executive session?

18 BOARD MEMBER ALULI: We need specific wording for  
19 that, right?

20 CHAIR KAUFMAN: You can read the information under  
21 the executive session and then specifically refer to the  
22 business items in executive session.

23 BOARD MEMBER BOUCHARD: All right. I'm going  
24 to --

25 CHAIR KAUFMAN: Ready, Jocelyn? Jocelyn has a

1 motion.

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

14 The Board may also convene in adjudicatory session  
15 pursuant to HRS Section 92-6.

16 CHAIR KAUFMAN: Specifically regarding a request  
17 for an advisory opinion from the Director of Parks and  
18 Recreations regarding conflicts of interest relating to  
19 business conducted between a County of Maui employee and the  
20 County of Maui.

21 BOARD MEMBER BOUCHARD: Yes, and the financial  
22 disclosures for De Jetley, Higa, Kauhane, Mano and Myers.

23 CHAIR KAUFMAN: Perfect, Jocelyn. Is there a  
24 second to the motion?

25 BOARD MEMBER LEACH: Second.

1 CHAIR KAUFMAN: Thank you, Randol.

2 (Whereupon, the Board went into Executive  
3 Session.)

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5 REGULAR MEETING RESUMES

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7 CHAIR KAUFMAN: We're now back into regular  
8 session as soon as the door is unlocked. There's no further  
9 business. Is there a motion to adjourn?

10 BOARD MEMBER LINARES:: I move that we adjourn.

11 BOARD MEMBER BOUCHARD: Second.

12 CHAIR KAUFMAN: All in favor?

13 (A chorus of aye's.)

14 CHAIR KAUFMAN: Opposed?

15 (None.)

16 CHAIR KAUFMAN: the meeting is adjourned.

17 (The meeting adjourned at 2:25 p.m.)

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

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

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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.

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

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Dated this 21st day of Sept, 2007.

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NOTARY PUBLIC, State of Hawaii

My commission expires 6/14/08