

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 October 10, 2007.

REPORTED BY: RACHELLE PRIMEAUX, CSR #370

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ATTENDANCE

BOARD MEMBERS PRESENT:

ALAN KAUFMAN, CHAIR

RANDOL LEACH

REBECCA WOODS

VINCENT R. LINARES

SHERI-ANN DANIELS

STAFF PRESENT:

KRISTI LYN UEOKA, BOARD SECRETARY

ADRIANNE HEELY, DEPUTY CORPORATION COUNSEL

1 TRANSCRIPT OF PROCEEDINGS

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3 CHAIR KAUFMAN: This is the 10 October meeting of
4 the Maui County Board of Ethics, and this is the regular
5 session. We are called to order. The first order of
6 business is the minutes of the September 12th meeting of the
7 regular session. Are there any additions or corrections to
8 the minutes as they were submitted? Seeing none, is there a
9 motion to approve the minutes as submitted?

10 BOARD MEMBER LEACH: Move to --

11 BOARD MEMBER LINARES: Second.

12 CHAIR KAUFMAN: Randol moved. Vincent seconded.

13 All in favor, please say aye.

14 (A chorus of aye's.)

15 CHAIR KAUFMAN: Nay, are there any nays? None.
16 Very good. Approved unanimously. There's no public
17 testimony today. And we move into old business under
18 financial disclosures. We have the amendment to Wayne
19 Boteilho's financial disclosure. And you will recall the
20 question there was the amount of his interest and the nature
21 of the business in Shaken Enterprises, which is book sales.
22 And the value was B. Are there any questions about that?
23 Okay. Then I guess do we have a motion to accept it as
24 amended?

25 BOARD MEMBER LINARES: Move that they be accepted

1 as amended.

2 CHAIR KAUFMAN: Thank you, Vincent.

3 BOARD MEMBER LEACH: Second.

4 CHAIR KAUFMAN: Second from Randol. All in favor?

5 (A chorus of aye's.)

6 CHAIR KAUFMAN: Opposed? That has been accepted.

7 There are no communication items. There was no
8 new business, and there are no announcements. So we now
9 need a motion to move into executive session.

10 BOARD MEMBER LINARES: I move that we move into
11 executive session.

12 BOARD MEMBER LEACH: Second.

13 CHAIR KAUFMAN: Unfortunately, we need very
14 capable articulation on the motion to keep -- okay, we are
15 going to have our motion.

16 BOARD MEMBER DANIELS: With reference to the
17 agenda items listed below, one or more executive meetings
18 are anticipated. In particular, the Board of Ethics
19 anticipates it will consider the evaluation, dismissal or
20 disciplining of an officer or employee of the County of
21 Maui, where considerations of matters affecting privacy will
22 be involved. The board may also consult with the board's
23 attorney on questions and issues pertaining to the board's
24 powers, duties, privileges, immunities and liabilities.
25 Therefore, pursuant to Hawaii Revised Statutes HRS Sections

1 92-5(a)(2) and (4), the following items may be considered in
2 executive session. The board may also convene in
3 adjudicatory session pursuant to HRS Section 92-6.

4 CHAIR KAUFMAN: Specifically --

5 BOARD MEMBER DANIELS: Specifically to further
6 discuss regarding an advisory opinion from the Director of
7 Parks and Recreation regarding conflicts of interest related
8 to business conducted between a County of Maui employee and
9 County of Maui. (07A-5).

10 CHAIR KAUFMAN: There's a motion on the floor. Do
11 we have a second?

12 BOARD MEMBER LINARES: Second.

13 CHAIR KAUFMAN: All in favor?

14 (A chorus of aye's.)

15 CHAIR KAUFMAN: Opposed? None. We move into
16 executive session.

17 (Whereupon, the Board went into Executive
18 Session.)

19

20 MEETING RESUMES

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22 BOARD MEMBER LEACH: One question.

23 CHAIR KAUFMAN: A question, Randol.

24 BOARD MEMBER LEACH: Since we are changing the
25 advisory opinion, what's the time line on going forward on

1 that?

2 CHAIR KAUFMAN: As has been mentioned, the 45 days
3 doesn't begin ticking until we're done with all of our
4 investigation, and we're done with that now. I believe it
5 begins right at the end of this meeting is when the 45 days
6 would begin.

7 BOARD MEMBER LEACH: Do we have to sign the
8 advisory to make it effective, so will we be signing it
9 today?

10 CHAIR KAUFMAN: No, we would be signing it at our
11 next meeting.

12 BOARD MEMBER LEACH: But effective at this
13 meeting, the 45 days?

14 CHAIR KAUFMAN: We would have 45 days from this
15 meeting to have the advisory opinion finalized, so we'll
16 have it 30 days from this meeting.

17 BOARD MEMBER LEACH: Okay.

18 MS. HEELY: So the date of you signing it would be
19 the date it's effective.

20 BOARD MEMBER LINARES: Now I have a question.
21 What about we had a conversation about a blanket letter to
22 the mayor. Can we talk about that at the next meeting
23 maybe?

24 CHAIR KAUFMAN: That was in executive session.
25 We're in regular session.

1 BOARD MEMBER LINARES: Okay. Can't talk about it.

2 CHAIR KAUFMAN: We can bring that back up at the
3 executive session.

4 BOARD MEMBER WOODS: Can I ask a question?
5 Regarding the computer rules, you said you wanted us to view
6 them?

7 CHAIR KAUFMAN: They're being distributed in our
8 packets.

9 BOARD MEMBER WOODS: Okay. Thank you.

10 BOARD MEMBER LINARES: Anybody in here a lawyer?
11 You are.

12 CHAIR KAUFMAN: None of the board members
13 currently are lawyers.

14 MS. UEOKA: Just a reminder, we do have a meeting
15 on November 14th. And because we are still seven, not nine,
16 I need to know if you guys will be here or if you know in
17 advance that you're going to be out of town, please call me
18 or e-mail me and let me know. And I'm hoping to have the
19 other two back.

20 BOARD MEMBER LINARES: You have backups now?

21 MS. UEOKA: No, not yet.

22 BOARD MEMBER LINARES: Are you looking for names?

23 MS. UEOKA: We don't -- they apply directly to the
24 mayor's office. So we do have people on deck, but they're
25 still in the process of being confirmed by the Council.

1 CHAIR KAUFMAN: We have a motion to adjourn.

2 BOARD MEMBER LEACH: Second.

3 CHAIR KAUFMAN: It's been seconded already, and
4 firsted. We just need to adjourn. All in favor, say aye.

5 (A chorus of aye's.)

6 CHAIR KAUFMAN: Opposed?

7 (None.)

8 Meeting is adjourned.

9 (Meeting ended at 1:25 p.m.)

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

I, RACHELLE PRIMEAUX, 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.

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

Dated this 20th day of October, 2007.



NOTARY PUBLIC, State of Hawaii

My commission expires 6/14/08