

COUNTY OF MAUI, STATE OF HAWAII
BOARD OF ETHICS

MINUTES OF THE REGULAR SESSION

ORIGINAL

Held at the Planning Department Conference
Room, Kalana Pakui Building, Wailuku, Maui, Hawaii,
commencing at 12:30 p.m., on Wednesday, November 14,
2007.

REPORTED BY: KATHERINE EISMANN, CRR/RDR/CSR #439

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A P P E A R A N C E S

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CHAIRPERSON:	ALAN KAUFMAN
VICE-CHAIRPERSON:	NANE W. ALULI
SECRETARY:	JOCELYN A. BOUCHARD
BOARD MEMBERS:	RANDOL LEACH
	VINCENT R. LINARES
	REBECCA WOODS
DEPUTY CORPORATION COUNSEL:	ADRIANNE HEELY
	KIMBERLY SLOPER
BOARD SECRETARY:	KRISTI UEOKA

1 (Wednesday, November 14, 2007, 12:30 p.m.)

2 * * * * *

3 (Board Member Linares is not present)

4 CHAIRPERSON KAUFMAN: I am going to call to
5 order, since we are on time and have a quorum, the
6 Wednesday, November 14th, 2007, meeting of Maui County
7 Board of Ethics. And I'd like to welcome the new
8 members who are not here.

9 MS. UEOKA: Chair, may I interject and
10 update you?

11 CHAIRPERSON KAUFMAN: Please.

12 MS. UEOKA: We have had two new members
13 confirmed by Council. One is Peter Soman and one is C.
14 Gretchen Guy. Unfortunately, Mr. Soman has already
15 submitted his resignation letter.

16 BOARDMEMBER LEACH: Did he go through
17 orientation?

18 MS. UEOKA: No, he did not. He sent the
19 resignation letter before orientation. So, at this
20 point, I need to forward that resignation letter to
21 Diane Wakamatsu of the Mayor's Office and request a
22 replacement member, which means that we would start at
23 square one again for that seat, meaning that somebody
24 else would have to be proposed through the Council.
25 They are going to have to get confirmed and so on.

1 CHAIRPERSON KAUFMAN: Yes.

2 MS. UEOKA: Ms. Guy called me today, and,
3 unfortunately, gave me the wrong mailing address, so she
4 only received all the materials today and realized that
5 her schedule is completely booked today. However, she
6 will be available for the December 12th meeting, and she
7 is going to go through the orientation probably right
8 before that. We usually schedule it about 11:45 before
9 the Board of Ethics meeting.

10 And she's going to be in the process of, you
11 know, doing her financial disclosure and oath of office.
12 So, she seems like she's confirmed, and she wanted to
13 extend her apologies. She says that she's not flaky.
14 She apologized, and she actually wanted your phone
15 number to apologize directly to you, Mr. Chair.

16 CHAIRPERSON KAUFMAN: The Chair will note
17 that C. Gretchen Guy has an excused absence today.

18 MS. UEOKA: Thank you.

19 CHAIRPERSON KAUFMAN: The minutes of the 10
20 October Regular Session have been circulated, and I
21 trust everyone has had a chance to review. Is there a
22 motion to accept the minutes as they were submitted or
23 are there additions or corrections?

24 BOARDMEMBER LEACH: I move we accept the
25 minutes of the regular session.

1 CHAIRPERSON KAUFMAN: And the second?

2 VICE-CHAIRPERSON ALULI: I will second it.

3 CHAIRPERSON KAUFMAN: And we have got the
4 second. All in favor say aye.

5 (Chorus of ayes.)

6 Opposed.

7 (Silence.)

8 Okay. The minutes have been accepted.

9 It's now time for public testimony. No
10 members of the public are here today, so there will be
11 no public testimony.

12 Under old business, financial disclosures,
13 there are none. No communication items either. Under
14 new business, no financial disclosures.

15 We do have a communication item, however.
16 And this is the letter to the Maui County Board of
17 Ethics from W. Leimamo Lind dated October 4th, '07,
18 regarding termination of status as a registered
19 lobbyist.

20 (Board Member Linares entered the room.)

21 And we will note that Vinnie Linares has now
22 joined us.

23 And under further communication items, we
24 have a lobbyist registration that has been received from
25 Carroll Pregill, and neither of those items require any

1 action on the part of the Board other than to have
2 received them.

3 And seeing no other new business, we will go
4 into announcements at the Regular Session. Financial
5 disclosure statements, you have a report from Adrienne
6 Heely regarding meeting with the County Clerk's Office.

7 DEPUTY CORPORATION COUNSEL: Mahalo, Chair.
8 Good afternoon, everyone. I did meet with the County
9 Clerk's Office. They had some concerns, because they
10 received a few requests from the news media regarding
11 where are the financial disclosure statements of certain
12 directors and deputy directors, the ones that we aren't
13 supposed to keep on file.

14 I know the Board of Ethics keeps the
15 confidential ones on file. And in the Charter, there's
16 rules -- there's a section that requires the County
17 Clerk to keep those on file and make them available to
18 the public, the ones that aren't confidential.

19 But they would request, if we get a copy of
20 the nonconfidential financial disclosure statements of
21 the directors and deputy directors, that we forward them
22 on a copy, because sometimes there's been inadvertent
23 noncommunication or nonsubmission by the director or
24 deputy director or elected official to the County
25 Clerk's Office as required.

1 So, we worked some details out, and I said
2 it wouldn't be a problem. I will bring it up with you
3 folks, but if we get certain ones, we will forward the
4 nonconfidential ones to the County Clerk's Office, so,
5 you know, when there is a request from the public, they
6 can have it readily available.

7 There is some discussion of keeping them on
8 line, so it's easy access for members of the public, but
9 they just had some concerns, I guess. And it's really
10 not our burden, because it's the applicant's burden or
11 the director, deputy director, and the so-called elected
12 official's duty to submit it to both agencies, the Board
13 of Ethics as well as the County Clerk's Office. But I
14 said to make things easier, if we get a copy, we will
15 submit it to them via submittal, and if you guys had a
16 problem with that, but I didn't see any problem.

17 MS. UEOKA: The burden would probably be
18 placed on me, but that's all right, because I'd rather
19 the County Clerk's Office have a complete record. They
20 are supposed to be the custodian of those documents.
21 And I'd rather the public go to the County Clerk's
22 Office for that information as opposed to me, as the
23 Executive Secretary to the Board of Ethics, since this
24 isn't my full-time gig.

25 DEPUTY CORPORATION COUNSEL: And there was

1 even some discussion about the cover sheet that the
2 Board of Ethics does provide to these directors, deputy
3 directors, elected officials, if it could have a little
4 checked box on the right-hand corner, you know, County
5 Clerk, Board of Ethics, right, to remind the submittee to
6 submit it to both agencies. I mean, the public -- the
7 nonconfidential financial disclosures.

8 VICE-CHAIRPERSON ALULI: I just had a
9 curious question. All of the financial statements that
10 we see, I have never noticed anything that designates
11 that they are confidential or not. So, what's the
12 difference between confidential and public financial
13 statements, because I have never seen any one that's
14 designated that it's confidential.

15 DEPUTY CORPORATION COUNSEL: All boards and
16 commission members listed within the Charter are
17 confidential, with the exception of directors, deputy
18 directors, and elected county officials.

19 MS. UEOKA: May I interject?

20 DEPUTY CORPORATION COUNSEL: Yes.

21 MS. UEOKA: When we receive the financial
22 disclosure statements, as a secretary for this Board, I
23 know where this is coming from, meaning I know it's an
24 elected official. I know it's a director. There's a
25 line on there that says what position you are holding.

1 VICE-CHAIRPERSON ALULI: Right.

2 MS. UEOKA: And if they have a director of
3 transportation, say, --

4 VICE-CHAIRPERSON ALULI: Right.

5 MS. UEOKA: -- I know that that's a public
6 financial disclosure statement.

7 VICE-CHAIRPERSON ALULI: Okay.

8 MS. UEOKA: For instance, if it says Board
9 of Ethics member, I know that that's a confidential
10 financial disclosure statement.

11 VICE-CHAIRPERSON ALULI: Okay.

12 MS. UEOKA: So, that's something that I --
13 when I put it on the agenda, normally I have
14 confidential ones -- I think we put confidential ones on
15 top and then public ones. I think we separate them in
16 some sense.

17 CHAIRPERSON KAUFMAN: By executive session,
18 they are separated.

19 MS. UEOKA: That's right.

20 CHAIRPERSON KAUFMAN: Would it be helpful or
21 more of a burden if, at the top of the disclosure
22 statements, it said this is a public record disclosure
23 statement or this is a confidential disclosure
24 statement?

25 VICE-CHAIRPERSON ALULI: Or to stamp it

1 confidential.

2 CHAIRPERSON KAUFMAN: Or to stamp it
3 confidential either. Is there some mechanism we could
4 use to make it easier for you as well as all the Board
5 members?

6 MS. UEOKA: I could stamp it confidential.
7 That's no problem at all. Seeing as we are revising --
8 we accepted the revised form of the financial disclosure
9 statement a couple of meetings ago, I hesitate to
10 revisit that form, if you think that stamping it
11 confidential would be sufficient.

12 DEPUTY CORPORATION COUNSEL: I think that
13 would be. That's a great suggestion, and if it can just
14 be solved with a stamp, there is no problem. Because
15 the Charter does designate which boards and commission
16 members' forms -- financial disclosure forms shall be
17 confidential and not open to public inspection versus
18 say elected officials.

19 So, that would be -- it's eye-catching, and
20 it shouldn't be a problem. You guys do have the
21 discretion to revise forms as necessary as you
22 previously did in others.

23 CHAIRPERSON KAUFMAN: Just a question. The
24 confidential statements go into a permanent file
25 somewhere or are they --

1 MS. UEOKA: Yes, I have a locked cabinet in
2 my work area.

3 CHAIRPERSON KAUFMAN: And then the public
4 ones you also keep as well?

5 MS. UEOKA: In the same location. However,
6 the public ones are additionally transmitted to the
7 County Clerk's Office. I'm not sure what their
8 facilities are like, but that's public record. Mine is
9 a four or five drawer locked filing cabinet.

10 CHAIRPERSON KAUFMAN: Vinnie.

11 BOARD MEMBER LINARES: And when are they
12 destroyed?

13 MS. UEOKA: You know, that's something that
14 I need to work on, because I have individual file manila
15 folders on every single person that files a financial
16 disclosure statement. And when I inherited the Board, I
17 realized that I had a lot of old folders that might need
18 to be destroyed, the financial disclosure statements.

19 BOARD MEMBER LINARES: So, maybe we need to
20 look into that after term of service.

21 DEPUTY CORPORATION COUNSEL: Excuse me.
22 Sorry, yeah. There is a records detention schedule.

23 BOARD MEMBER LINARES: Okay.

24 DEPUTY CORPORATION COUNSEL: So, I can see
25 what the required number of years for retention are.

1 MS. UEOKA: I think the previous Board
2 secretaries just probably didn't have enough time to
3 clean through the entire cabinet. We do have a -- some
4 that we have pulled that are dead files. That's
5 something that maybe I can start working on.

6 CHAIRPERSON KAUFMAN: Okay. Are we done
7 with that topic then, Adrienne?

8 DEPUTY CORPORATION COUNSEL: Yes. And I
9 will just reread Section 10-3 of the Charter that
10 provides: All elected county officers, all candidates
11 for elective county office, and such appointed officers
12 or other employees that the Council shall designate by
13 ordinance shall file, with the Board of Ethics and the
14 County Clerk, financial disclosures in a form or forms
15 to be prescribed by the Board of Ethics. Such financial
16 disclosures shall be open to public inspection.

17 So, that was the section that the County
18 Clerk's Office took issue with, because they haven't
19 been getting these confidential -- or public --

20 VICE-CHAIRPERSON ALULI: Nonconfidential.

21 CORPORATION COUNSEL: -- financial
22 disclosures of the aforementioned officers, directors,
23 et cetera. So, they just wanted to make sure, if we got
24 a copy, that we forward it on to them. But I reminded
25 them it's the burden of the subcommittee to submit it to

1 both, but we can do our best to submit a copy if they
2 inadvertently forget to submit it to the County Clerk's
3 Office, because we are the prescribers of the forms.

4 CHAIRPERSON KAUFMAN: Okay. Very good.

5 DEPUTY CORPORATION COUNSEL: Thank you.

6 CHAIRPERSON KAUFMAN: Our next announcement
7 is an introduction.

8 DEPUTY CORPORATION COUNSEL: Oh, thank you,
9 Chair. This is our new Deputy Corporation Counsel
10 Kimberly Voss Sloper. She was formerly with the
11 Prosecuting Attorney's Office for how many years?

12 MS. SLOPER: About six.

13 DEPUTY CORPORATION COUNSEL: Six years, and
14 she's a welcomed addition, considering how much work we
15 do and how much boards and commissions we do serve. And
16 she will be our backup. If I'm not available, then she
17 will be serving you folks.

18 MS. SLOPER: She's always available.

19 CHAIRPERSON KAUFMAN: Very good. Our last
20 announcement is the High Road, a publication of Hawaii
21 State Ethics Commission, the October 2007 issue. I hope
22 you all got a good chance to review that.

23 And that is the last item on the Regular
24 Session. If we can have a motion from the floor, we
25 will move into Executive Session.

1 BOARD MEMBER LINARES: I move that we move
2 into Executive Session.

3 CHAIRPERSON KAUFMAN: That's a nice thought,
4 Vinnie, but we got to do better than that. And just to
5 clarify, we will need to do this for the new members in
6 the future, too.

7 There's a prescribed format for moving into
8 Executive Session. It is published right under where it
9 says executive session. That needs to be read with
10 specific reference to the items on the agenda which we
11 will be moving into.

12 So, if you go to page two of the agenda, and
13 under Section (b), Executive Session, just read forth,
14 and when you are done, refer to item 3(c), Vinnie.

15 BOARD MEMBER LINARES: I am confused now.
16 Somebody else make a motion.

17 CHAIRPERSON KAUFMAN: I'm not trying to pick
18 on you, Vinnie.

19 BOARDMEMBER LEACH: I move we go into
20 Executive Session. With reference to the agenda items
21 listed below, one or more executive meetings are
22 anticipated. In particular, the Board of Ethics
23 anticipates it will consider the evaluation, dismissal,
24 or disciplining of an officer or employee of the County
25 of Maui, where considerations of matters affecting

1 privacy will be involved.

2 The Board may also consult with the Board's
3 attorney on questions and issues pertaining to the
4 Board's powers, duties, privileges, immunities and
5 liabilities. Therefore, pursuant to Hawaii Revised
6 Statute Sections 92-5(a)(2) and (4), the following items
7 may be considered in Executive Session. The Board may
8 also convene in Adjudicatory Session pursuant to HRS
9 Section 92-6.

10 BOARD MEMBER LINARES: Second.

11 CHAIRPERSON KAUFMAN: And specifically --

12 BOARDMEMBER LEACH: And specifically --

13 CHAIRPERSON KAUFMAN: -- review and

14 approval.

15 BOARDMEMBER LEACH: Review and approval of
16 an advisory opinion from the Director of Parks and
17 Recreation regarding conflicts of interest relating
18 businesses -- conflicts of interest relating business
19 conducted between a COM employee and COM.

20 CHAIRPERSON KAUFMAN: Thank you very much.

21 Second the motion, please.

22 BOARD MEMBER LINARES: Second.

23 CHAIRPERSON KAUFMAN: All in favor.

24 (Chorus of ayes.)

25 Opposed.

1 (Silence.)

2 Okay. Very good.

3 (Recess, 12:46 p.m. Resumed 12:50 p.m.)

4 CHAIRPERSON KAUFMAN: Since there is no
5 further business in the Regular Section, is there a
6 motion to adjourn out of the Regular Session?

7 BOARD MEMBER LINARES: I moved to adjourn
8 out of the Regular Session.

9 VICE-CHAIRPERSON ALULI: I'll second.

10 CHAIRPERSON BELSON: Nane has seconded. All
11 in favor.

12 (Chorus of ayes.)

13 Opposed.

14 (Silence.)

15 The meeting is adjourned.

16 (Adjourned, 12:51 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: November 14th, 2007

Katherine Eismann
Katherine Eismann, CSR 439