

GET Committee

From: Joanne Hicks [REDACTED]
Sent: Saturday, February 2, 2019 12:14 PM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; yukikei.sugimura@mauicounty.us; County Clerk; Maui_County Council_mailbox; mayors.office@mauicounty.us; GET Committee
Subject: Written testimony re: Appointment and Removal of Administrative Heads of Departments (Prosecuting Attorney), GET-1(3) - Governance, Ethics, and Transparency Committee
Attachments: 2019-02-02 Letter to GET re GET-1-3 Hicks.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Aloha,

I am writing to submit the attached written testimony regarding the above-mentioned matter. Please review, consider, and make this part of the record at the next hearing on the matter. If you have any questions, you may contact me via my personal e-mail at [REDACTED]

Thanks very much,

Joanne S.C. Hicks, Esq.

JOANNE S.C. HICKS, ESQ.

Delivered via email

February 2, 2019

Attn: Kelly T. King, Council Chair - Kelly.King@mauicounty.us
Keani Rawline-Fernandez, Council Vice-Chair - Keani.Rawlins@mauicounty.us
Tasha Kama, Presiding Officer Pro Tempore - Tasha.Kama@mauicounty.us
Riki Hokama, Councilmember - Riki.Hokama@mauicounty.us
Alice L. Lee, Councilmember - Alice.Lee@mauicounty.us
Mike Molina, Councilmember - Mike.Molina@mauicounty.us
Tamara Paltin, Councilmember - Tamara.Paltin@mauicounty.us
Shane Sinenci, Councilmember - Shane.Sinenci@mauicounty.us
Yukilei Sugimura, Councilmember - Yukilei.Sugimura@mauicounty.us

Re: Appointment and Removal of Administrative Heads of Departments (Prosecuting Attorney) (GET-1(3)), Governance, Ethics, and Transparency Committee.

Dear Honorable Councilmembers,

I am writing to express my strong support for John D. Kim as Prosecuting Attorney.

Please do not needlessly destabilize a critical law enforcement Department that is and has been functioning effectively under the leadership of J.D. Kim.

I am a Deputy Prosecuting Attorney for the County of Maui, and I am feeling demoralized and distracted from my work because of the Governance, Ethics, and Transparency Committee's recent and disappointing 5-4 vote. I am certainly not alone in this sentiment. This Committee has not heard enough testimony from employees who currently work at the office. I regret not showing up to testify, but I was occupied with doing my job, as were many of my colleagues. When making your final vote for J.D. Kim, it is prudent that you strongly consider what current employees have to say. We are the ones vested in enforcing the law and keeping our community safe. We show up every day and experience a perspective which the public lacks. Our opinion on the matter of J.D. Kim as the Prosecutor is based on firsthand experience and an expertise in the area of law enforcement - not on one-sided opinion, conjecture, and rumor from undisclosed sources, which is what your Committee's decision making appears to be based upon.

I have worked as a Deputy Prosecuting Attorney under J.D. Kim since June 2017. Prior to that, I have worked as a Deputy Prosecuting Attorney in the County of Kauai, as well as in the City & County of Honolulu. I am also very familiar with how the Big Island offices are run because I have a number of colleagues in both the Kona and Hilo offices. I have seen the many ways that a prosecutor's office may be rendered ineffective, and I have worked at places with low morale. This is not the case on Maui. Given my unique employment experience, I can tell you - without any doubt - that Maui County's Department of the Prosecuting Attorney is the best in Hawai'i. Within Hawai'i's criminal legal community, our office has the reputation of being tough on crime, and innovative in the ways we go about it. I believe that Maui's office is Hawai'i's most effective County prosecutor office in terms of enforcing the law, and I can tell you firsthand that this is the best office climate to work in.

J.D. is a serious and committed Prosecutor, who is and has been licensed and in good standing as an attorney in the State of Hawaii, with decades of experience in both civil and criminal practice. I feel that the reason why this Department is strong is because of J.D.'s tenure of leadership since 2011. It takes years for a head Prosecutor to develop the trust and respect of partnering law enforcement agencies. I cannot underscore how important partnership and relationships are in law enforcement. A good Prosecutor is a person who is knowledgeable in the law and local practice; unwavering but fair in their pursuit of justice; respected in the law enforcement community; and willing to make the difficult choices. J.D. is all of these things. I am proud to work for a stable, effective office that has a good relationship with other law enforcement agencies. This is not always the case on other islands, and it is truly unfortunate for those communities. J.D. can sometimes be a tough boss, but he is tough in the sense that he does not accept substandard work or sloppy mistakes. In our line of work, mistakes result in the miscarriage of justice. J.D. has our back when we inevitably have to deal with tough cases or issues, and he is also not afraid to correct and guide his staff when mistakes are made. J.D. is a strong leader and characteristically candid, honest, and tactful in his communication to his employees.

Aside from being an excellent leader, J.D. fosters a truly 'ohana work environment. Because of J.D., we celebrate everything here - birthdays, holidays, marriages, the welcoming of children, staff appreciation, etc. There is more joy and laughter in this office than any place I have ever worked. The atmosphere is friendly and full of humor. The nature of our work is mentally and emotionally draining. We work on cases that often involve the worst things that have ever happened to a person, ranging anywhere from burglaries to complex drug trafficking, child abuse, sexual assault, and murder. It is our small celebrations and respect for each other that sustains us. Our office is also a very family friendly place to work, which is so rare to find in the legal community. I gave birth to my first child nine months ago. As a new mother and younger female attorney, I was terrified about what would happen to my career, but J.D. was so supportive of me throughout this process. I am not the first working mother or father in this office that has benefitted from J.D.'s valuing of 'ohana. J.D. understands that his employees are people with families and personal lives, and J.D. values our personal needs and opinions. I love coming to work for him because this office truly functions as a team and I am constantly challenged to be a better prosecutor. This office is able to recruit and retain good attorneys and staff because it is a tightly run ship, and a wonderful place to be every day.

Our national political climate is marred by political partisanship and petty divisiveness. Rather than critically examine facts and issues in the interest of the public, our elected leaders fall flat and vote along party lines. There is also an increasing practice of abuse of process in order to silence voices or hide facts. This is so disappointing. I would like to believe that our local leaders will be better than this.

Council Chair Kelly King, Council Vice-Chair Keani Rawlins-Fernandez, Presiding Officer Pro Tempore Tasha Kama, and Councilmembers Tamara Paltin, and Shane Sinenci: I implore each of you to please re-consider your vote against J.D. Kim's appointment. Based on the way you voted and the manner in which you conducted J.D.'s hearing, it is obvious that you are operating as a political bloc, namely, the "'Ohana majority" (See attachment "A" - public

Facebook wall screenshots and commentary, accessed on Feb. 2, 2019). What is even more troubling is that as a political bloc, your recent actions appear to be dictated by the preference and bias of an unelected former mayoral candidate. (See attachment “B” - screenshots of Facebook live commentary by Elle Cochran regarding J.D.’s hearing). Based on my observations, you are engaging in political gamesmanship that lends to the appearance that you are mere puppets of said unelected former candidate. I feel that it is an abuse of process that you are in a position to vet key department heads because your political bias is so pronounced.

Allow me to give you one of many examples from the hearing on January 30, 2019: At one point, Councilmember Rawlins-Fernandez stated, on the record, that her office allegedly received a “flood of allegations” by undisclosed sources warning her that the behavior of J.D. and the culture of this workplace was “hostile, retaliatory, discriminatory, promoting favoritism, and sexual harassment in the workplace.” I am a practicing attorney and I actually work at the office, and nothing you claimed could be further from the truth. You stated that you had “serious allegations” that “flooded” your office. Interestingly, it appears that your office was actively inviting allegations against J.D. (See attachment “C” - public Facebook wall screenshots for Sarah Freistat Pajimola, Chief of Staff for Councilmember Rawlins-Fernandez and former Executive Assistant to Elle Cochran, accessed on Feb. 2, 2019). Despite your office’s concerted efforts to find “dirt” on J.D. for the purpose of opposing J.D.’s nomination, it appears that your “flood of serious allegations” are baseless. You had the option of pursuing this issue via Executive Session, and J.D. even suggested this to you, but you declined. If something was actually a serious concern to you, then you have the duty to perform your due diligence as a Councilmember and follow through. Instead, every single time the option of Executive Session was raised for any of you, all of you declined. In my opinion, none of you were doing your due diligence and conducting a proper hearing. Based on my observations, it appears that you all declined Executive Sessions because your criticisms are probably baseless and following through would reveal this. Your alleged “concerns” appear to rely on one-sided opinion, conjecture, and rumor from undisclosed sources.

Each of you should have shed your “‘Ohana Candidate” identity nearly three months ago - the moment you were elected into office (See attachment “D” - <https://www.safeactionfund.org/election-endorsements/>, accessed on Feb. 2, 2019, emphasis added). You are now elected Councilmembers. You now represent every single person in Maui County, and you need to stop playing favorites. It is your job to work together with everyone else on the Council, not just together as a political bloc to subvert serious efforts of a Mayor that prevailed over your preferred candidate. The time has come to set aside political drama and focus on the very real and important work before you, which requires your most careful consideration and due diligence. When you were up for election, I voted in support of some of you based on your individual merits. I carefully voted based on my belief that you would do what was best for your community. I believed that you had the intelligence, integrity, and courage to do the right thing. I am your constituent and I expect my Councilmembers to act with integrity and transparency now and in the years to come.

It is ironic that an entity entitled “Governance, Ethics, and Transparency Committee” has launched a clearly political, calculated attack on J.D., based on one-sided opinions, conjecture, and rumor, without disclosing the sources, which is against all the principals of which this Committee is based upon.

Your Council should act like a team and 'ohana, much like the Department of the Prosecuting Attorney operates under the leadership of J.D. Kim. Public safety is not a game. Please do not needlessly risk the safety of those you were elected to protect because of political gamesmanship. Please stop emulating the cheap political tactics of the Mainland on Maui.

I have attempted to setup in-person meetings with Councilmembers, but have been politely informed that many of you are "booked for weeks" and that an email would be the quickest way to reach you. If you will make the time to meet with me, I would appreciate an opportunity to speak to you face-to-face, and answer any questions you might have. You are also welcome to walk next door to our office anytime and see how it is for yourself. I likely cannot make the time to leave my work to testify at another hearing. Please consider this as my written testimony on this matter.

Thank you for your time and doing the important work that you do.

Very truly yours,



Joanne S.C. Hicks, Esq.

Encls.

cc: Josiah Nishita, County Clerk - County.clerk@mauicounty.us
Office of Council Services - county.council@mauicounty.us
Mayor Michael P. Victorino - mayors.office@mauicounty.gov
Governance, Ethics, and Transparency Committee - get.committee@mauicounty.us

ATTACHMENT "A"

"Why?"

"Cause you're fucking fired."

24

5 Comments • 1 Share

Like

Comment

Share



Kimberlyn Scott is with **Tasha Kama** and **7 others.**

Jan 30 at 10:15 PM •

Mahalo to Sarah and Autumn, **Keani** and **Kelly**, Shane and **Tamara**, Trinnette and **Tasha** for all the work that goes into your job.. i just saw part of it and i am TIRED.. Mahalo for your conviction and courage.

Mahalo for hearing your community.

29

5 Comments

Like

Comment

Share



Kimberlyn Scott shared a **live video.**

Jan 30 at 8:44 PM •



Sarah Freistat Pajimola was live — with **Axel Beers** and **12 others.**

Jan 30 at 8:31 PM •

Nomination review of prosecuting attorney JD Kim.

[like icon] [heart icon] 29 >



YES!!!
Bravo Mama!
To you and everyone that helped.... See More

1d Like Reply

[like icon] [heart icon] 2



Mavis Oliveira-Medeiros

Thank you for all your hard work! [thumbs up icon] [heart icon]

1d Like Reply

[like icon] 3



Tia Christensen



1d Like Reply



Neldon Azd Mamuad



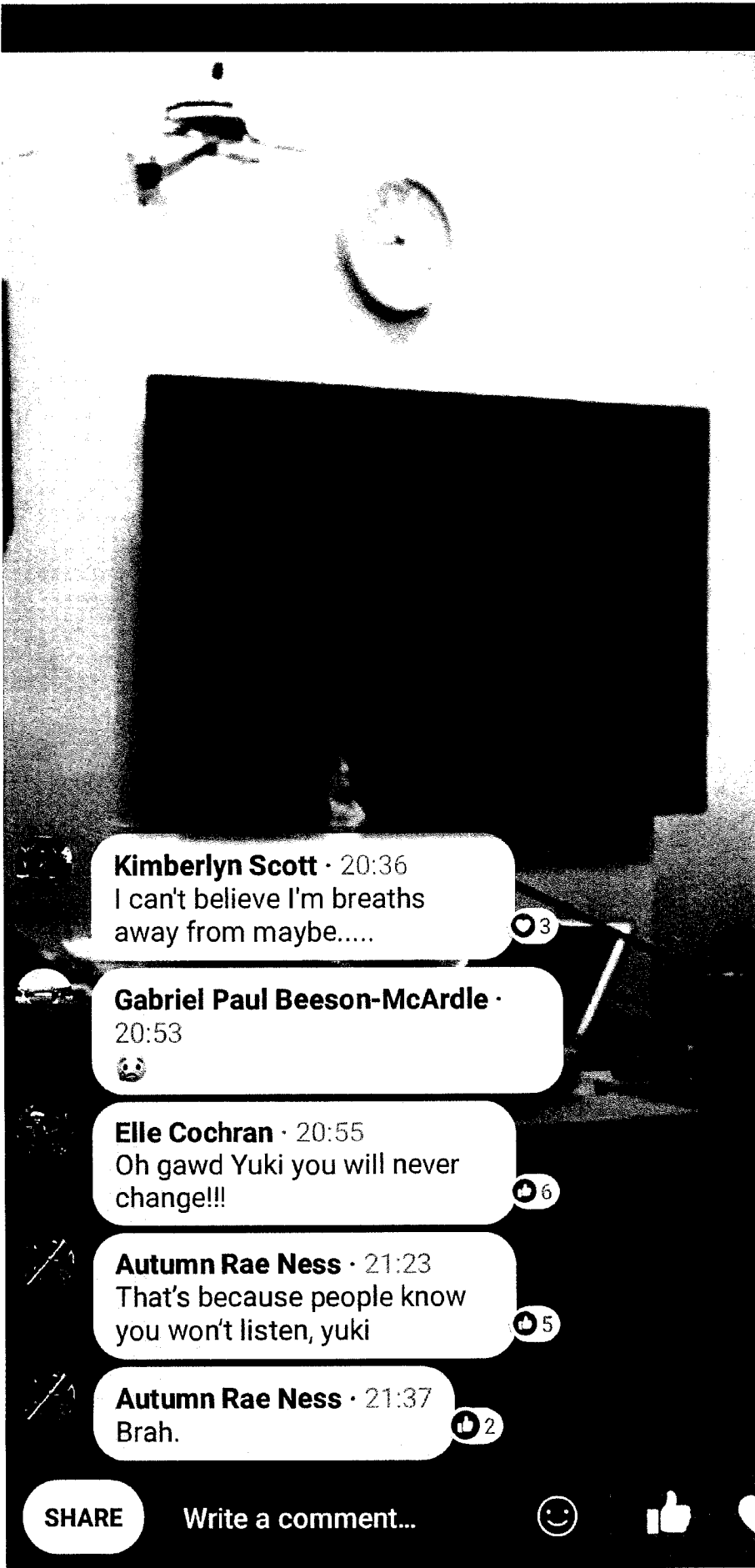
1d Like Reply



Write a comment...



ATTACHMENT "B"



Kimberlyn Scott · 20:36
I can't believe I'm breaths
away from maybe.....

3

Gabriel Paul Beeson-McArdle ·
20:53
🐼

Elle Cochran · 20:55
Oh gawd Yuki you will never
change!!!

6

Autumn Rae Ness · 21:23
That's because people know
you won't listen, yuki

5

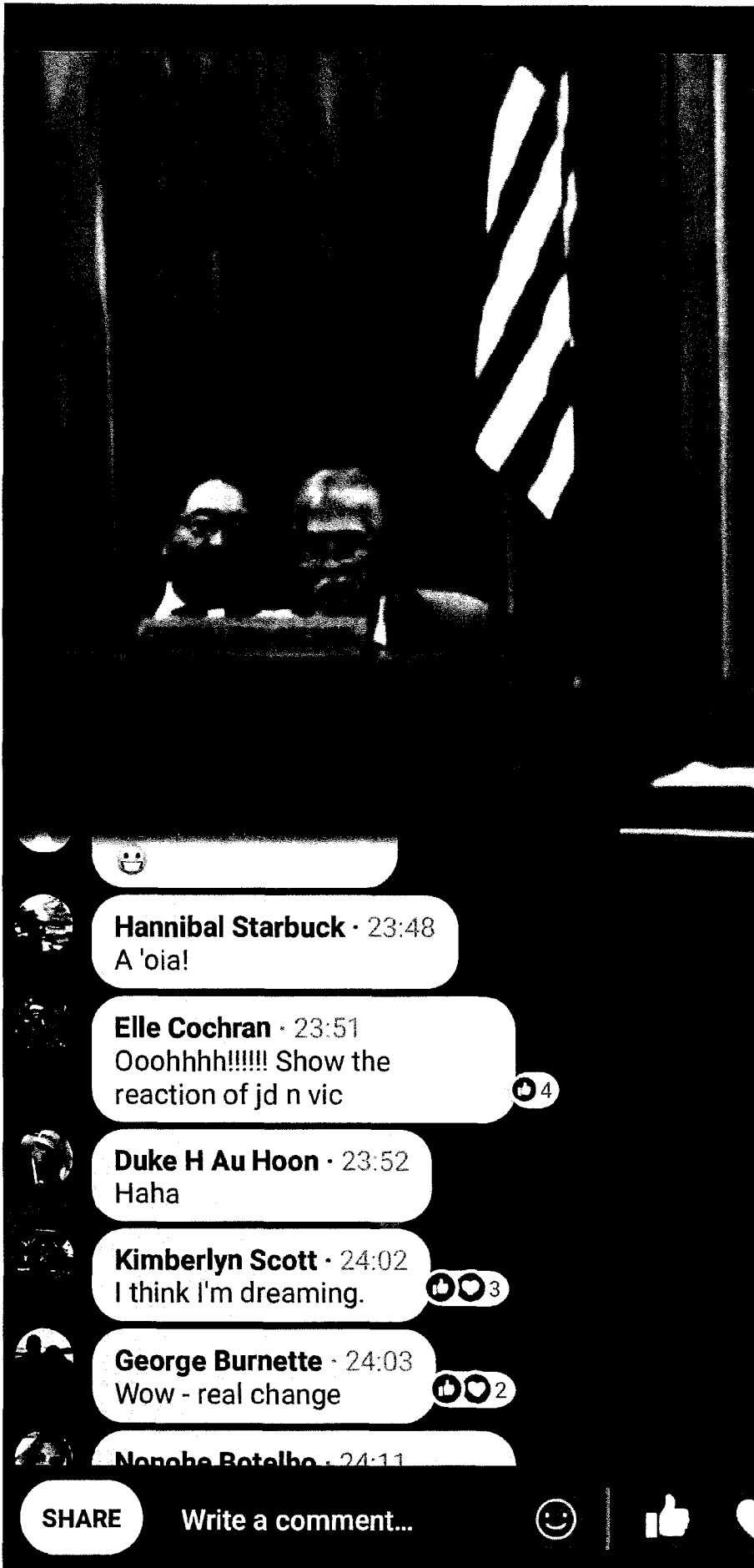
Autumn Rae Ness · 21:37
Brah.

2

SHARE


Write a comment...











Hannibal Starbuck · 23:48
A 'oia!

Elle Cochran · 23:51
Ooohhhh!!!!!! Show the reaction of jd n vic  4

Duke H Au Hoon · 23:52
Haha

Kimberlyn Scott · 24:02
I think I'm dreaming.   3

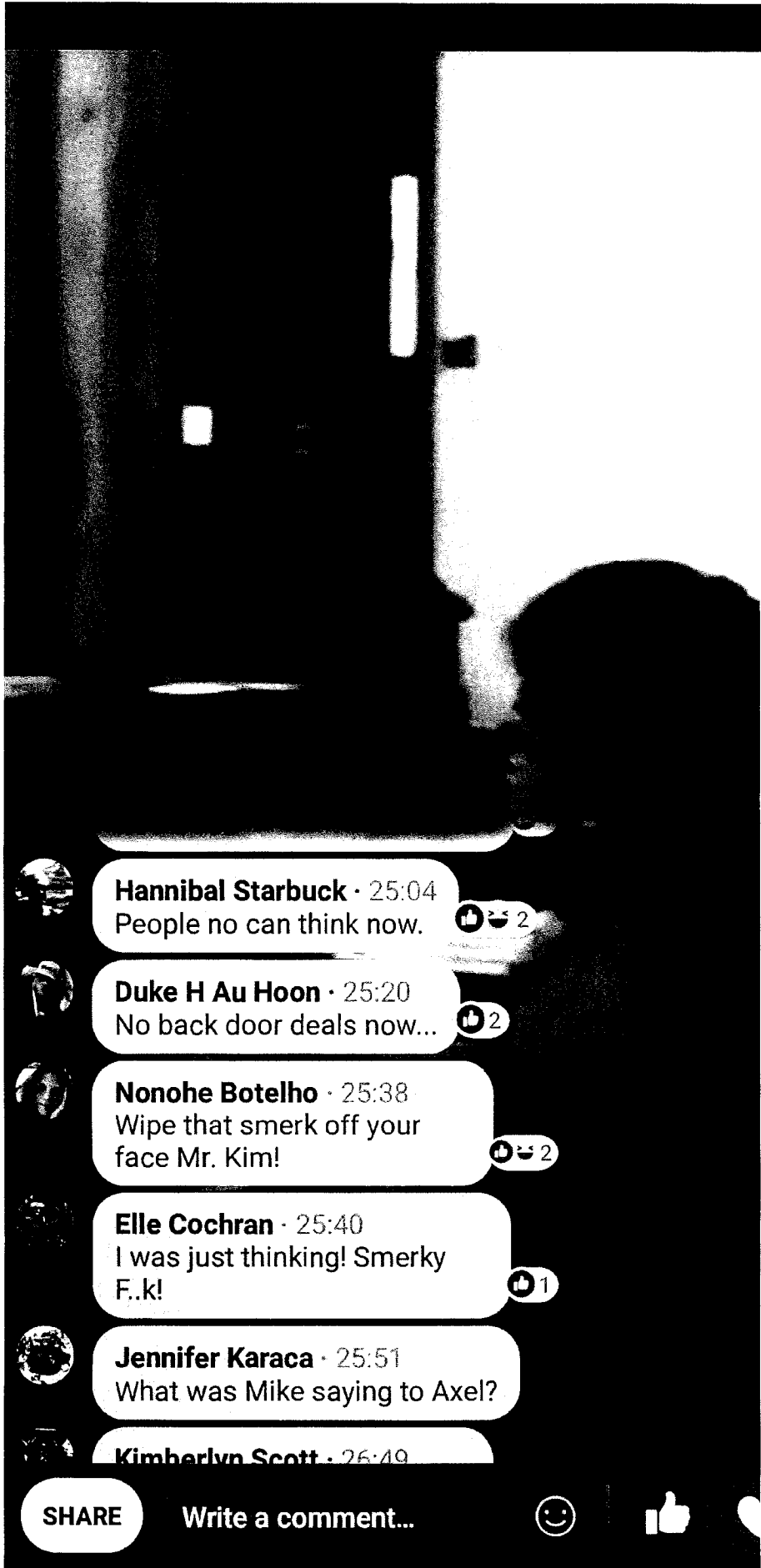
George Burnette · 24:03
Wow - real change   2

Neneke Botelho · 24:11

SHARE

Write a comment...





Hannibal Starbuck · 25:04
People no can think now.



Duke H Au Hoon · 25:20
No back door deals now...



Nonohe Botelho · 25:38
Wipe that smirk off your
face Mr. Kim!



Elle Cochran · 25:40
I was just thinking! Smerky
F.k!



Jennifer Karaca · 25:51
What was Mike saying to Axel?



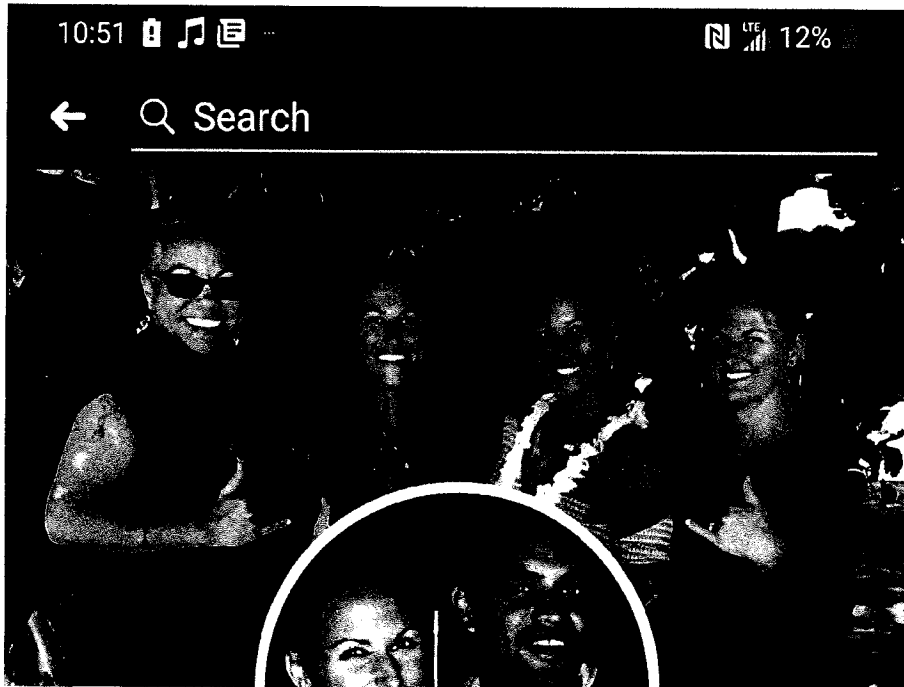
Kimberlyn Scott · 26:19

SHARE

Write a comment...



ATTACHMENT "C"



Sarah Freistat Pajimola

-  Add Friend
-  Follow
-  Message
-  More

 Chief of Staff at **Council Member Keani Rawlins-Fernandez**

 Former Executive Assistant at **Councilmember Elle Cochran**

 Former Executive Assistant at **Councilmember Michelle Anderson**


 Studied Business at **Western International University**

 Lives in **Wailuku, Hawaii**

 Search

Sarah Freistat Pajimola is with
Precious Makekau and 66 others.



Jan 25 at 8:52 PM • 

A year ago, today...

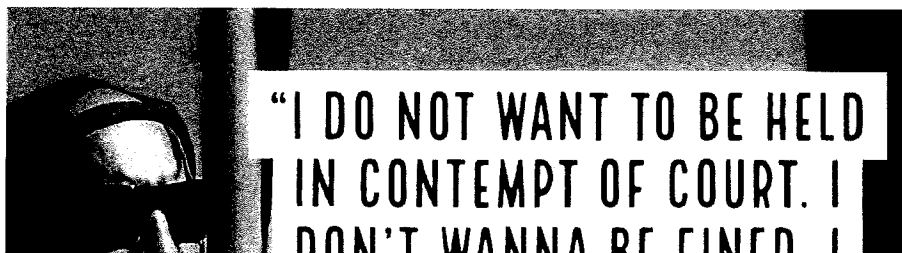
It was under Prosecuting Attorney, JD Kim's direction that his department filed the request to REQUIRE Kaleikoa Ka'eo's trial be conducted in English.

If you advocate for indigenous rights, and most especially for common-sense legislation that gives the Hawaiian language formidable seniority in its own native land...

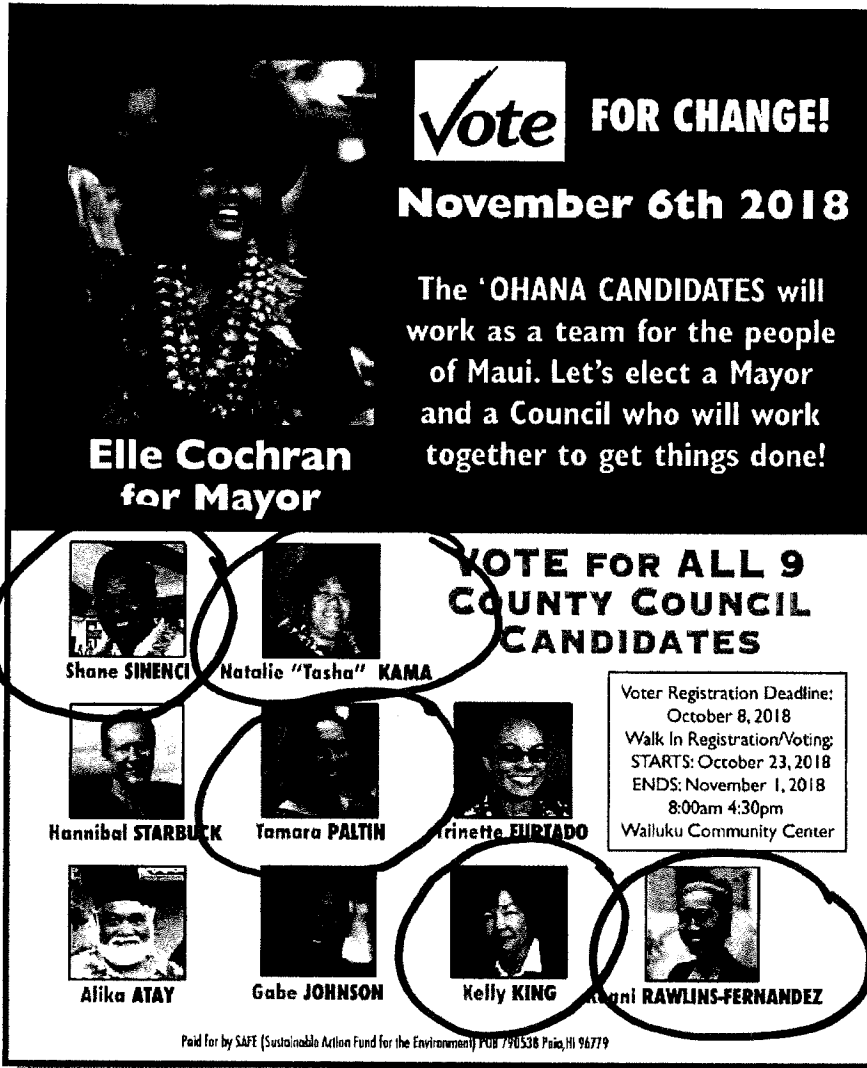
This week is THE perfect time to submit testimony opposing the nomination of JD Kim as the County of Maui Prosecuting Attorney, before the quickly approaching committee meeting THIS WEDNESDAY January 30th, 2019 , where he will be considered by the county council, to continue his job as lead prosecuting attorney for the county of Maui.

Email your testimony to:
Get.committee@mauicounty.us and share your mana'o. 🙏

Please help spread the word. 🌸



ATTACHMENT "D"



Vote FOR CHANGE!
November 6th 2018

The 'OHANA CANDIDATES will work as a team for the people of Maui. Let's elect a Mayor and a Council who will work together to get things done!

Elle Cochran for Mayor

VOTE FOR ALL 9 COUNTY COUNCIL CANDIDATES

Shane **SINENCI** Natalie "Tasha" **KAMA**
 Hannibal **STARBUCK** Tamara **PALTIN** Trinette **FURTADO**
 Alika **ATAY** Gabe **JOHNSON** Kelly **KING** Keoni **RAWLINS-FERNANDEZ**

Voter Registration Deadline: October 8, 2018
 Walk In Registration/Voting: STARTS: October 23, 2018
 ENDS: November 1, 2018 8:00am 4:30pm
 Wailuku Community Center

Paid for by SAFE (Sustainable Action Fund for the Environment) P.O. Box 790538 Paia, HI 96779



DOH Cites Maui Land & Pineapple Company, Inc. for Wastewater Effluent Violations

The Hawai'i State Department of Health has issued a Notice of Violation and Order against the Maui Land & Pineapple Company, Inc. for 15 wastewater effluent violations from the Hāli'imaile waste stabilization ponds

Posted by SAFE on Wednesday, January 9, 2019

Posted by SAFE on Monday, December 31, 2018

'OHANA CANDIDATES INFORMATION

SAFE's Maui 'Ohana Candidates

Find all voting information here!

Meet the 'Ohana Candidates

