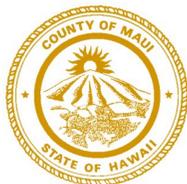


LAUREN M. AKITAKE
Executive Director & Legal Counsel



BOARD OF ETHICS
COUNTY OF MAUI
2145 KAOHU STREET, SUITE 104
WAILUKU, MAUI, HAWAII 96793
EMAIL: boardofethics@co.maui.hi.us
TELEPHONE: (808) 270-8078
FACSIMILE: (808) 270-8044
"We hold the public's trust."

February 5, 2026

Yuki Lei K. Sugimura, Chair
Budget, Finance, & Economic
Development Committee
County of Maui
200 S. High Street
Wailuku, HI 96793

Re: Response to BFED Letter dated February 3, 2026, Regarding Bill 2 (2026)

Dear Chair Sugimura:

Thank you for hearing Bill 2 in your Budget, Finance, and Economic Development Committee on January 27, 2026 ("BFED Meeting"). I appreciated the thorough and constructive discussion, and thank you for your follow-up letter dated February 3, 2026 ("2/3/26 Letter"). This letter is a response to your 2/3/26 Letter.

In addressing the matters raised at the BFED Meeting and in your 2/3/26 Letter, I consulted with Maui Board of Ethics ("BOE") Chair Steve Sturdevant, Vice Chair Michael Lilly, Corporation Counsel Caleb Rowe, Managing Director Josiah Nishita, Melissa Will (DPS HR Specialist), who coordinated with DPS Deputy Director Kainea Aiwohi-Alo, OCS Director David Raatz, State Ethics Commission Executive Director and General Counsel Robert Harris, and Honolulu Ethics Commission Acting Executive Director and Legal Counsel Elmira Tsang. I will continue consulting with these individuals as we develop formalized processes subject to BOE ratification.

I. Preliminary Matter

As a preliminary matter, I would like to explain the current role and status of the BOE Executive Director and Legal Counsel ("EDLC").

The EDLC serves at the pleasure of the BOE, which is stated in the County of Maui EDLC job posting ("EDLC Posting"), as follows:

CONTROLS OVER THE POSITION:

Supervisor. Reports to the BOE. Serves at the pleasure of the BOE. Subject to periodic performance evaluations by the BOE. Subject to any additional review procedures (including but not limited to decisions regarding hiring, disciplinary action, and salaries for staff) implemented by the BOE.

See EDLC Posting, p. 3, attached.

Currently, the EDLC is responsible for administration and management of the BOE office and staff, including, in pertinent part:

- “[r]esponsible for staff hiring and disciplinary action”;
- “supervises staff work performance”;
- approves leave and schedules;
- “conducts annual job performance evaluations”;
- “sets staff salaries ***subject to review upon members’ request***”; and
- “[d]evelops, implements, and oversees personnel policies and other office policies.”

See EDLC Posting, p.1 (italics emphasis added).

II. Response to 2/3/26 Questions

Your 2/3/26 Letter requests clarification of the following:

1. *The planned process for setting BOE staff salaries and salary increases, including consultations with the Board, the Board’s role to review or approve, review criteria, and who has final decision authority.*
2. *The proposed process to consider probationary and annual evaluations when determining BOE staff increases.*

In response to questions 1 and 2, I will look to other similarly structured boards and commissions, Corporation Counsel given their comparable staff positions (e.g. paralegal and attorney), and other Hawaii ethics commissions, with guidance by DPS, to develop procedures for annual reviews, evaluation criteria, documentation standards, and consideration of performance in salary decisions.

Preliminarily, the EDLC will continue to make initial salary determinations within Council-approved ranges as stated in Maui County Code Section 2.56.080. Final authority rests with the EDLC, subject to BOE oversight. I confirmed with Chair Sturdevant and Vice Chair Lilly that they are in agreement with this procedure. See Chair Sturdevant’s written testimony.

During the next administrative rule revisions, we plan to codify an annual review for the EDLC. Vice Chair Lilly has proposed a framework for the review based on his experience with other boards.

For comparison, the State and Honolulu Ethics Commission Executive Directors solely conduct staff performance reviews – quarterly for the State and annually for Honolulu using a Honolulu Corporation Counsel evaluation form as they are administratively tied to their Corporation Counsel.

3. *The planned process to document and support pay-step placement and increases, including the applicable criteria, and timing, approval, or oversight of the steps.*

In response to question 3, I will look to other similarly structured boards and commissions, Corporation Counsel as they have similar staff positions (e.g. paralegal and attorney), and comparable ethics commissions, with guidance by DPS, to establish best practices for setting salaries and increases.

Preliminarily, salary adjustments will be based on annual performance evaluations conducted by the EDLC, informed by established criteria such as workload, performance, experience, and budgetary constraints.

Documentation will include written evaluations, salary justification memoranda, and placement within approved ranges. Records will be maintained and subject to BOE review upon request.

For comparison, the State Ethics Commission Executive Director solely sets staff salaries. At the Honolulu Ethics Commission, its Executive Director is delegated the task of setting staff salaries, with Chair sign-off.

4. *Clarification of BOE staff employment status and protections, including whether the positions are civil service, exempt, or at-will.*

The BOE is established within the Office of the Managing Director for administrative purposes only. Chair Sturdevant, Vice Chair Lilly, and Managing Director Nishita, were instrumental in the structure and set up of the BOE office and its initial staff.

The BOE staff are exempt from civil service requirements pursuant to Hawaii Revised Statutes (“HRS”) §76-77. As the BOE salaries are set by ordinance approved by Council, the BOE staff are not union eligible and not subject to collective bargaining.

“The BOE employs an Executive Director and other staff, including an investigator, and clerical personnel. All employees of the BOE, including the Executive Director, serve at the pleasure of the BOE.” See EDLC Posting, attached, p.1. Thus, the BOE staff including the EDLC positions are “at-will” to the BOE,

however, in practice the BOE has delegated the responsibility for the BOE staff to the EDLC.

5. *Clarification on hiring and termination authority, including whether a new Executive Director may replace existing staff and the conditions that apply.*

The BOE retains ultimate authority over employment matters. The EDLC manages routine hiring, supervision, and discipline.

A newly appointed EDLC would not automatically replace existing staff. Any staffing changes would be subject to BOE oversight and established procedures.

III. Conclusion

I will continue working with DPS to identify best practices for exempt positions, including salary-setting, evaluations, documentation, and performance-based compensation. These procedures will be submitted to the BOE for approval.

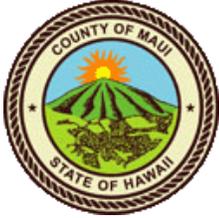
Lastly, in 2023 and 2025, the Hawaii State Legislature directed county ethics commissions to follow the models of the State and Honolulu Ethics Commissions. See House Resolution Nos. 8 and 65. Vice Chair Lilly will testify at the February 7, 2026 Council meeting in support of this structure, and will emphasize that it is essential that the BOE and its staff maintain sufficient operational autonomy to carry out their enforcement responsibilities effectively.

Sincerely,



Lauren M. Akitake
Executive Director/Legal Counsel
Maui County Board of Ethics

Encl: County of Maui Executive Director job posting



County Of Maui Executive Director

SALARY	Depends on Qualifications	LOCATION	Maui County (various), HI
JOB TYPE	Non Civil Service	JOB NUMBER	2025 BOE Executive Director
DEPARTMENT	Department of Management	OPENING DATE	01/16/2025
CLOSING DATE	5/31/2025 11:59 PM Hawaii		

Description

Annual salary between \$110,520 and \$157,668, subject to full Council approval. An appointment may be made at any rate within the salary range commensurate with years of experience.

The County of Maui Board of Ethics (BOE) administers a code of ethics for public officers and employees of the County of Maui (County) as mandated by Article XIV of the Hawai'i State Constitution. The BOE administers and enforces the County of Maui Charter Article 10, Code of Ethics, prescribes ethics laws for county government officials and employees and prescribes registration and reporting requirements for lobbyists and organizations that engage in lobbying activities at the county level.

The BOE is established within the Office of the Managing Director for administrative purposes only. The BOE employs an Executive Director and other staff, including an investigator, and clerical personnel. All employees of the BOE, including the Executive Director, serve at the pleasure of the BOE.

Staff Appointments:

Executive Director will be appointed by the Maui County Board of Ethics. This position is exempt from civil service and serve at the pleasure of the board. The appointment will begin on July 1, 2025.

TO APPLY:

Please send a cover letter and résumé to boardofethics@mauicounty.gov no later than **May 31, 2025**. If submitting a résumé via e-mail poses a hardship to you, please contact us via phone 808-385-6404 or fax 808-270-7152.

Examples of Duties

MAJOR DUTIES AND RESPONSIBILITIES:

The Executive Director functions as the administrator and chief legal counsel for the BOE. The Executive Director is responsible for carrying out the BOE's mandate to administer and enforce the County of Maui Charter Article 10, Code of Ethics to coordinate monthly board meetings; to direct the administration and management of the BOE's office and staff; and to implement the BOE's goals and objectives. The Executive Director provides overall leadership in guiding all aspects of the BOE's programs and activities.

Legal counsel to BOE. Serves as chief legal counsel to the BOE. Provides legal advice to the BOE with regard to the interpretation of the County of Maui Charter Article 10, Code of Ethics and relevant laws. Advises the BOE with regard to the issuance of advisory opinions and enforcement proceedings. Also advises the BOE with regard to legal issues concerning BOE meetings, administrative actions, and other matters. Researches and prepares legal documents for the BOE. Represents the BOE in legal proceedings involving the BOE.

Administration and Enforcement of County of Maui Charter Article 10, Code of Ethics.

Administers and enforces the County of Maui Charter Article 10, Code of Ethics. Responds to inquiries and issues legal advice to county government officials and employees, lobbyists, and organizations represented by lobbyists. Drafts and reviews staff opinion letters, advisory opinions, legal memoranda, and other related documents.

Oversees the administration of laws under the County of Maui Charter Article 10, Code of Ethics, that require filings of financial disclosure statements, gifts disclosure statements, and contract notices. Also oversees the administration of laws under the County of Maui Charter Article 10, Code of Ethics, that require the registration of lobbyists and filings of statements of lobbying expenditures and contributions. Updates and revises forms and instructions; facilitates compliance by filers with filing requirements; develops and implements audit or review procedures to ensure that filings comply with the law; and oversees enforcement proceedings against individuals who do not comply with filing requirements.

Conducts and oversees enforcement proceedings relating to possible violations of the County of Maui Charter Article 10, Code of Ethics. Receives or initiates charges; conducts and directs investigations; participates in witness interviews; prosecutes or serves as legal counsel to the BOE in contested case hearings; drafts and reviews legal documents relating to enforcement proceedings.

Education program. Oversees development of the BOE's program to educate the public and county government officials and employees about ethics. Develops and conducts education workshops and presentations, including mandatory ethics training courses for county government officials as required by the County of Maui Charter Article 10, Code of Ethics. Participates in speaking engagements and makes other public appearances to discuss the BOE's work and the laws administered by the BOE. Develops educational materials, including the BOE's newsletter and other publications. Oversees the development, design, and maintenance of the BOE's website.

Media. Responds to inquiries from the media. Issues news releases and statements on behalf of the BOE.

Legislation. Proposes and drafts legislation; tracks legislation; prepares written testimony; attends legislative hearings and presents testimony on behalf of the BOE. Meets with legislators and others to advocate on behalf of the BOE with regard to legislation.

Rules. Oversees the adoption, amendment, and repeal of the BOE's administrative rules as needed and as provided in Chapter 91, HRS.

BOE meetings and training. Coordinates BOE meetings. Assists the BOE Chair in preparing meeting agendas and oversees preparation of all written materials and minutes for BOE meetings. Responsible for assuring that BOE members receive an orientation upon appointment, and training on applicable laws, procedures, and other matters relating to their duties and responsibilities.

Relations with other state and federal agencies and organizations. Maintains professional relations with other state, local, and federal agencies. Maintains professional relations with local and national organizations.

Provides outreach work by participating in conferences and other events to speak about ethics, lobbying, and other related topics.

Budget and fiscal operations. Oversees planning, preparation, and management of the BOE's budget subject to members' approval. Prepares budget documents and testifies at budget hearings before the Legislature.

Oversees the BOE's annual financial audit by an independent auditor and prepares Management's Discussion and Analysis (MD&A) for the audit. Oversees all fiscal operations of the office, including payroll and procurement of all goods and services in accordance with applicable laws subject to review upon members' request.

Negotiates and executes office lease agreements and other agreements and contracts on behalf of the BOE.

Administration and Management. Responsible for the maintenance and custody of the files and records of the BOE. Responsible for administration and management of the BOE's office and staff, including the day-to-day operations of the office. Responsible for staff hiring and disciplinary action. Provides leadership and direction to the staff in the performance of their duties: Oversees staff orientation and training; makes assignments and delegates work responsibilities to staff; supervises staff work performance; oversees office staffing levels and work schedules; approves leave requests (for vacation leave, sick leave, family leave, etc.); conducts annual job performance evaluations; and sets staff salaries subject to review upon members' request. Works closely with staff to oversee and direct their legal work; routinely meets with staff to discuss cases and case management; reviews written work of attorneys; oversees work in all other areas. Develops, implements, and oversees personnel policies and other office policies. Oversees all projects and planning for the office.

CONTROLS OVER THE POSITION:

Supervisor. Reports to the BOE. Serves at the pleasure of the BOE. Subject to periodic performance evaluations by the BOE. Subject to any additional review procedures (including but not limited to decisions regarding hiring, disciplinary action, and salaries for staff) implemented by the BOE.

Full-time employment. Shall dedicate the necessary time and effort to perform all duties described herein on a full-time basis. Shall not engage in any part-time or other employment that conflicts, detracts, or prevents the Executive Director from performing the required duties in a prompt and efficient manner.

Standards of Conduct. Shall comply with the standards of conduct for county employees pursuant to the County of Maui Charter Article 10, Code of Ethics.

Prohibition from political activity. Pursuant to HRS §84-35.5, shall not take an active part in political management or in political campaigns during the term of office or employment.

Related duties. Performs any and all other duties as required.

Minimum Qualification Requirements

Training and Experience: In accordance with HRS §78-1(c), must be a citizen, national, or permanent resident alien of the United States, or eligible under federal law for unrestricted employment in the United States; and shall become a resident of the State within thirty days after beginning employment as a condition of eligibility for continued employment. Graduate with a Juris Doctor degree from an American Bar Association accredited law school; licensed attorney and member in good standing of the Hawai'i State Bar.

RECOMMENDED QUALIFICATIONS: demonstrated commitment to public service and advocacy, and to maintaining high ethical standards.

Knowledge of: county government organization and interagency relationships, legislative process and ability to advocate persuasively to accomplish legislative goals; administrative law and administrative procedure including rule-making and contested case procedures, open meetings and public records laws; court procedures and litigation generally; personnel policies and practices; budgeting requirements; procurement and fiscal management; and information management.

Ability to: manage and protect confidential information; communicate effectively orally and in writing; ability to supervise and manage employees; strong interpersonal and leadership skills; and computer skills, e.g., ability to use software such as MS Office, SharePoint and Dropbox.

Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper to perform the essential functions of the position with or without reasonable accommodations.

APPLICATIONS MAY BE FILED ONLINE AT: <https://www.governmentjobs.com/careers/Maui>

If you have never applied for a job using the NEOGOV system, you must create an account. You will need a username, password, and working email address to create your account. Your detailed work history is required on the application. A resume submitted in lieu of an application will not be sufficient. Furthermore, "See resume" is NOT an acceptable response under the "Work Experience" section. An application containing this response may be deemed incomplete. Applications may be rejected if they are incomplete.

EXAMINATIONS ARE ADMINISTERED IN THE COUNTY OF MAUI ONLY

The above examination is being given on an open-competitive basis to establish an eligible list which shall be effective for not more than one year unless extended by the Director of Personnel Services.

AN EQUAL OPPORTUNITY EMPLOYER

The County of Maui does not discriminate on the basis of race, sex, sexual orientation, age, religion, color, ancestry, national origin, disability, marital status, pregnancy, arrest and court record, assignment of child support, national guard participation or any other basis covered by state or federal laws governing non-discrimination

Pre-Employment/Post-Offer Drug Screening Test: All applicants, who will enter a safety sensitive position or certain designated categories that the Personnel Services Director has established or who are required by law to be drug tested must pass a pre-employment/post-offer drug screening test as a condition of employment. There is no retesting or re-evaluation process. Cost for the drug screening test shall be borne by the County of Maui.

Personnel Services Email: personnel.services@mauicounty.gov

Employer

County Of Maui

Address

200 South High Street

Wailuku, Hawaii, 96793

Phone

Website

BFED Committee

From: Board Of Ethics <BoardOfEthics@co.maui.hi.us>
Sent: Thursday, February 5, 2026 4:31 PM
To: BFED Committee
Cc: Maui_County Council_mailbox
Subject: Re: BILL 2 (2026), AMENDING SECTION 2.56.080, MAUI COUNTY CODE, RELATING TO SETTING THE SALARIES BY THE EXECUTIVE DIRECTOR AND ESTABLISHING NEW PAY SCALES (BFED-47)
Attachments: [Final] 2.5.26 L. Akitake response to BFED Ltr dtd 2.3.26 (BOE).pdf
Categories: Processed - Response

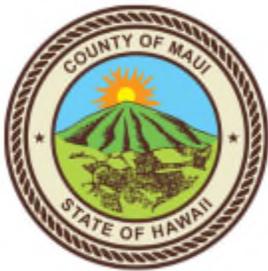
You don't often get email from boardofethics@co.maui.hi.us. [Learn why this is important](#)

Aloha,

Please see attached response from Lauren Akitake.

Mahalo,

BOE Staff



Board of Ethics

County of Maui

 (808) 270-8078
 boardofethics@mauicounty.gov
 www.mauicounty.gov/170/Board-of-Ethics
 2145 Kaohu St., Suite 104, Wailuku, HI 96793

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