

BOARD OF ETHICS

COUNTY OF MAUI

In the Matter of the  
Request by GINA YOUNG, for an  
Advisory Opinion

Advisory Opinion on Complaint  
No. 24A-14

ADVISORY OPINION

The Maui County Board of Ethics (the "Board"), having reviewed a request for advisory opinion by GINA YOUNG (hereinafter "Ms. Young"), and having obtained all the information deemed necessary by the Board to make a proper determination regarding the subject request, renders this Advisory Opinion No. 24A-14 pursuant to Section 10-2.2.c of the Revised Charter of the County of Maui (1983), as amended (the "Charter") and Section 04-101-52 of the Rules of the Board.

SUMMARY OF FACTS

After review of the request for an advisory opinion the Board finds as follows:

(a) Procedural History.

By letter dated August 22, 2024, Ms. Young requested the Board issue an advisory opinion on whether there is a conflict between her current position as an Executive Assistant for Councilmember Shane Sinenci and her appointment to the position of Director of the East Maui Regional Water Authority.

Ms. Young elected to have the matter heard at the public meeting and waved her right to an executive session pursuant to Section 04-101-53(c) of the Rules of the Board. The Board, therefore, considered Ms. Young's request for an advisory opinion during its September 11, 2024 public meeting.

(b) Summary of Facts.

Ms. Young is currently an Executive Assistant to Maui County Councilmember Shane Sinenci. As part of her position, Ms. Young helped in the drafting of a Charter Amendment which established the East Maui Regional Water Authority ("EMRWA"). The charter amendment was approved by the voters as part of the November 8, 2022 general election.

Under the Charter, the Director of the EMRWA is selected by the East Maui Regional Community Board, also known as the 'Aha Wai O Maui Hikina ("EMRC Board"). The EMRC Board recruited for the position of Director of the EMRWA, but during the initial recruitment round, they did not feel that a sufficient number of qualified applicants had applied. Ms. Young did not apply for the Director of EMRWA. A second recruitment took place, and this time Ms. Young did apply for the position of Director of the EMRWA. As part of the process, applicants were ranked, and the top five were selected for interviews, which took place at a public meeting of the EMRC Board. Prior to the interview, a list of thirteen questions were posted and provided to the applicants. After the interview process was completed, Ms. Young was selected to be the Director of the EMRWA.

Ms. Young's appointment was subject to approval by the Maui County Council. During the August 6, 2024 meeting of the Government Relations, Ethics and Transparency Committee of the Maui County Council, Ms. Young was asked if she had requested an Advisory Opinion from the Board as to whether there was a conflict between her appointment as Director of the EMRWA and her position as Executive Assistant to County Council Member Shane Sinenci. Specifically, Council Members inquired whether she had derived any information that was not available to the general public which gave her an advantage over other applicants for the position of Director of the EMRWA. As a result, Ms. Young submitted this request for an Advisory Opinion prior to consideration of her appointment before the full County Council.

Ms. Young submitted written information regarding her appointment as part of this Request for an Advisory Opinion. Ms. Young stated that the qualifications for the position were derived directly from the language of the Maui County Charter. These qualifications were adopted by the Maui County Council during public meetings before the Charter Amendment which created the EMRWA was submitted to the voters of the County of Maui. Additionally, Ms. Young stated that the questions that were asked by the EMRC Board were made publicly available, and provided to all five applicants who were selected for interviews.

Ms. Young's representative Pamela Bunn (Ms. Bunn") appeared remotely during the September 11, 2024 public meeting of the Board and provided testimony and responded to questions from the Board. Ms. Dunn testified that the qualifications and duties for the Director of EMRWA were publicly available during the application and recruitment process. Ms. Bunn also testified that Ms. Young

was knowledgeable about water issues as a result of her position as an Executive Assistant to Councilmember Shane Sinenci, particularly her work on updates to the Water Use and Development Plan for the County of Maui ("WUDP"). These updates to the WUDP were adopted at public meetings. Finally, Ms. Bunn acknowledged that Ms. Young would be receiving an increase in pay as a result of her new position as Director of the EMRWA.

#### APPLICABLE LAW

The Board considered the following provisions of the Revised Charter of the County of Maui (1983), as amended in rendering this Advisory Opinion.

#### **Charter Section 10-4. Prohibitions.**

1. No officer or employee of the county shall

. . . .

b. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer's or employee's official duties or use such information for the officer's or employee's personal gain or for the benefit of anyone.

#### OPINION

Based on the foregoing provisions of the Maui County Charter, the information provided by Ms. Young in her request for an advisory opinion, publicly available information provided by the Board's legal counsel, the testimony of Ms. Bunn, and the records and files herein, the Board finds that Ms. Young's appointment as Director of the EMRWA does not violate the Code of Ethics. While Ms. Young was involved in the development of the Charter Amendment which created the EMRWA, the final qualifications for the Director of the EMRWA were established as part of the legislative process, which included review of the proposed Charter Amendment by the Maui County Council in public meetings, and a final vote by the citizens of the County of Maui through a public election. Further, the recruitment process for the Director of the EMRWA was done publicly, qualifications were posted publicly, and interview questions were publicly available prior to the selection of Ms. Young. Accordingly, Ms. Young's selection for the position of Director of the EMRWA was not based on "information which, by law or practice, is not available to the public and which the officer

or employee acquires in the course of the officer's or employee's official duties."

The Board thanks Ms. Young for bringing this matter to the Board's attention.

Adopted by the Board on October 1, 2024;

excused  
STEVE STURDEVANT, Chairperson

/s/Michael Lilly  
MICHAEL LILLY, Vice Chair

/s/Scott K. Parker  
SCOTT K. PARKER, Secretary

/s/Noel Ching-Johnson  
NOEL CHING-JOHNSON, Member

/s/Randol Leach  
RANDOL LEACH, Member

/s/Kathryn R. Shroder  
KATHRYN R. SHRODER, Member

/s/Carol Swann  
CAROL SWANN, Member