

**COUNCIL OF THE COUNTY OF MAUI**  
**PARKS, RECREATION, ENERGY, AND**  
**LEGAL AFFAIRS COMMITTEE**

August 24, 2018

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on July 24, 2018, makes reference to County Communication 13-41, from Council Chair Gladys C. Baisa, relating to litigation matters.

By correspondence dated January 18, 2013, the Department of the Corporation Counsel requested consideration of the possible settlement of County of Maui v. Felicia Provencal, et al., Civil 12-1-0255(1). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. FELICIA PROVENCAL, CIVIL NO. 12-1-0255(1)," and a copy of the complaint. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the complaint filed by the County on March 9, 2012, seeks reimbursement of monies paid to Ms. Provencal arising from her failure to provide all services, individually or in her capacity as contractor for Hawaii Design Modeling, required by a contract with the County.

Your Committee notes the Council's Policy and Intergovernmental Affairs Committee (2013-2015 Council term) met on January 28, 2013.

Your Committee notes Section 3.16.020(F), Maui County Code, authorizes the Department to recommend to the Council offers to adjust, settle, or compromise any claim, or to recommend to the Council that the County make an offer of settlement or judgment in any case in which the County is a party.

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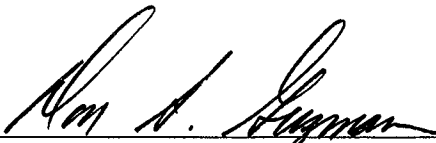
By correspondence dated June 26, 2018, the Department of the Corporation Counsel informed your Committee that on June 14, 2018, the Court had entered an Order Granting Default Judgment in favor of the County and against Ms. Provencal for damages in the amount of \$78,950 plus interest at the rate of 10 percent per annum accruing from January 1, 2009. The Final Judgment in the case was entered on June 25, 2018. Because the Department is no longer seeking settlement authority, a Deputy Corporation Counsel said the Committee may recommend the matter be filed.

Your Committee voted 8-0 to recommend filing of County Communication 13-41 and the correspondence dated January 18, 2013. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Cochran, Crivello, Hokama, and Sugimura voted "aye." Committee member White was excused.

Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS the following:

1. That County Communication 13-41 be FILED; and
2. That the correspondence dated January 18, 2013, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. FELICIA PROVENCAL, CIVIL NO. 12-1-0255(1)," be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
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DON S. GUZMAN, Chair