

Government Relations, Ethics, and Transparency Committee (2023-2025) on 2024-10-22 1:30 PM

Meeting Time: 10-22-24 13:30

eComments Report

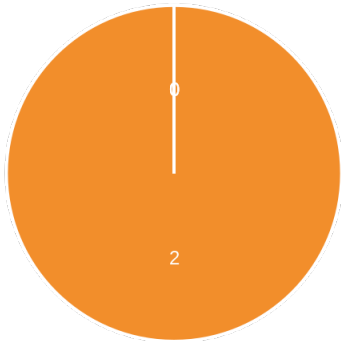
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Government Relations, Ethics, and Transparency Committee (2023-2025) on 2024-10-22 1:30 PM	10-22-24 13:30	4	2	0	2	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (0%) Oppose (100%) Neutral (0%)
No Response (0%)



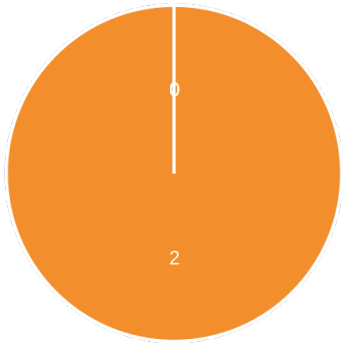
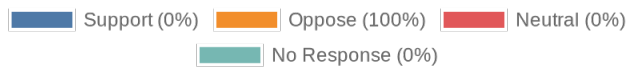
Government Relations, Ethics, and Transparency Committee (2023-2025) on 2024-10-22 1:30 PM
10-22-24 13:30

Agenda Name	Comments	Support	Oppose	Neutral
GREAT-23 Reso 24-58 RESOLUTION 24-58, RELATING TO REAPPOINTING THE COUNTY CLERK AND DEPUTY COUNTY CLERK (GREAT-23)	2	0	2	0

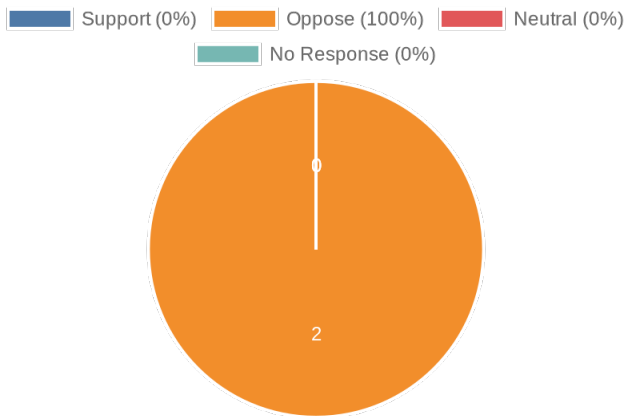
Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Overall Sentiment



Sam Small

Location:

Submitted At: 9:13pm 10-21-24

Does it bother anyone else that Moana Lutey is at the center of a multi-million-dollar whistleblower lawsuit along with Michelle McLean for blocking former Mayor Victorino from fulfilling an agreement he personally signed with Chris Salem?

I've now got the emails. All Victorino requested was a recorded inspection and determination from the Planning Director as to whether an SMA permit in Napili was properly fulfilled or not. McLean simply refused the Mayor's request and Lutey lied about the Mayor not having the authority to make the request.

Why do so many bad things to block this one inspection? Because the fraud contained in this one SMA permit will show how Corporation Counsel conspired to combine bogus 3-lot-or-less infrastructure deferral agreements with fraudulent SMA permits to intentionally shift tens, maybe hundreds, of millions of dollars in developer responsibilities onto taxpayers.

It doesn't end there. Lutey is now part of an ethics complaint for influencing the County Auditor to suspend the audit on these same deferral agreements—an audit this Council unanimously approved back in 2018.

The Ethics Committee, which needs your financial support to remain independent of Corporation Counsel's control, has agreed to a hearing to question the auditor and probably Lutey too.

Meanwhile, this Council is preparing to authorize nearly half a million dollars, with surely more to come, to pay KSG law firm to essentially protect Moana Lutey for her role in Chris Salem's wrongful termination case.

After years of fighting Chris and Lutey's lies to this counsel about it, Corporation Counsel had to step aside because of the conflicts of interest Lutey created—conflicts that Mayor Bissen likely recognized when he rejected her as his Corporation Counsel.

It says a lot about Council Chair Alice Lee's priorities that both Michelle McLean and Lutey have been rewarded under her leadership. Does it bother anyone that Chair Lee skipped the standard public posting of both clerk positions on job websites, limiting the pool of candidates? That's a rigged system. So are the intentionally unreadable full council minutes that chair Lee posts to the council's website.

Now Maui taxpayers are paying Lutey more than the mayor for a job that doesn't require a lawyer's salary.

Hiring Moana Lutey as County Clerk is an embarrassment and an insult to every honest person on Maui."

Attached is a petition with 553 mostly local signatures calling for an investigation into Moana Lutey's crimes. I think it's safe to say that NONE of these 553 signators think Moana Lutey should be County Clerk.

Chris Salem

Location:

Submitted At: 12:47pm 10-21-24

Maui County Council;

Please take into consideration the attached written testimony.

Respectfully;

Christopher Salem

Request for Criminal Investigation of Corporation Counsel Moana Lutey, Corporation Counsel...

To: Federal Bureau of Investigations, Clare E. Connors, Attorney General, State of Hawaii, Michael Wheat, U.S. Prosecuting Attorney, Kelly King, Maui County Council Chair, Keani Rawlins-Ferna...

The self-described "Dinosaurs" of Maui's Corporation Counsel are a team of litigators led by Moana Lutey who have been around long enough to be professionally compromised while serving past Mayors Alan Arakawa and James Apana.

By their dirty acts over the years, these lawyers are now so personally and professionally conflicted that they can no longer possibly serve the public's best interest.

We citizens call for an investigation into Racketeering by these "Dinosaurs" and, at the very least, demand their removal from Maui's Office of Corporation Counsel.

Why is this important?

Maui County is a billion-dollar pawn being played by companies who profit by polluting, AKA "The Pollution Industry."

The world will never forgive or forget that Maui's Sewage, partially treated and injected into underground wells, is what gave Trump's deregulation-frenzied Supreme Court the opportunity to rule against EPA permits for all Injection Wells and cripple the Clean Water Act.

We can stop this by ridding Maui's Corporation Counsel of the "Dinosaurs". That's the self-chosen name of the team of litigators led by Moana Lutey who have been around long enough to be professionally compromised while serving past Mayors Alan Arakawa and James Apana.

By their dirty acts over the years, these lawyers are now so personally conflicted that they can no longer possibly serve the public's best interest.

Moana Lutey and Maui's "Dinosaur Lawyers":

* Inserted language into the Injection Well resolution that would give the Lawyers final say over county policy, robbing authority from both the Mayor and the County Council, in violation of legal norms, the County Charter and Rules for lawyers in Hawaii.

* Are actively blocking enforcement of SMA Permits that protect our shoreline, in violation of the U.S. Coastal Zone Management Act.

* Wrote secret developer agreements from 1974 to 2007 in order to shift financial burdens onto residents and is still blocking collection of over \$100 million from developers by withholding and falsifying public records.

* Secretly violated the intent of the Council in 2015 in order to create a new way to shift financial burdens from developers to residents.

* Are actively concealing government liens which have been unlawfully placed on private properties in the County of Maui.

* Manufactured a fake RE tax to use as a weapon against a timeshare group.

* Are obstructing investigations into several instances of County fraud by lying to both the County Council and Mayor Victorino and have harmed and defamed private resident citizens who have exposed the County corruption.

* Are wasting millions for our tax dollars to take the Lahaina Injection Well case to the Supreme Court regardless that such regulatory changes belong in the legislature, not the courts, and many millions more in a series of frivolous litigations.

As citizens, our voices were significant contributing factors to the recent removal of bad actors such as David Goode, William Spence, J.D. Kim and especially Patrick Wong, who as Director of Corporation Counsel was overseeing the ongoing coverup of illegal acts by others in the County.

The "Dinosaurs" were all trained and compromised by Mr.Wong and are today actively continuing on with his legacy. If we continue to allow Maui's Corporation Counsel to be run by these Litigating Bullies tied to long-standing big money interests, the Maui we are so fortunate to know and love will never survive.

What a foul legacy the corrupt "Dinosaurs" of Maui's Corporation Counsel are dumping on us.

We need to flush them out.

Maui's Director of Corporation Counsel must not be yet another Local Litigator with strong ties to local special interests.

Maui needs the breath of fresh air that can only come from a Director of Corporation Counsel who is a Skilled Negotiator with Mainland Experience.

Follow this link to read and download a formal Request for Investigation

Signed by 553 people:

Name	Zip code
Maui Causes	96768
Carli Carli	
Jennifer Holladay	96861
Gene Weaver	96753
Eva Roberts	96790
Raphiell Nolin	96784
Solitaire Solitaire	96708
Lori Lewis	96708
Don Lax	96753
Marion McHenry	96722-5312
Kalani Kalani	
Lucrezia Oddie	96708
Mark Morris	96708
Bonnie Newman	96753
Delaney de la Barra	96761
Deanna Summers	96753
Lauri Laureano	96753-9117
Bob Dale	
John Morey	96768
Lenore Brozen	96753
Paul Carter	96779
Jeff Wayman	96708-5658
George Peabody	96748
Valarie Honn	92869
Miranda Castel	96825
Kaniloa Kamaunu	96793
Frances Salvato	96768

Name	Zip code
Jessica DeBoer	96790
Valerie Lascisk	96793
Hope Hope	
Bruce Baum	96761
John Gangini	96793
MJ Duberstein	96743
Ember Behrendt	96779
Theresa Caesar	96708
Dennis Schuster	96790
Rod Windle	96708
Gwendolyn Etesami	96753
Bonniestar marsh	96708
Alan Brisley	96708
Deneane Hamby	96779
Valeriebclark clark	96753
Curtis pang	96732
Paul Cullen	96748
Olaf Behrendt	96779
Elizabeth Levings	96779
:Carter- Kentt:Gorg .	96790
Kalei Engel	96708
Kelly Zimmerman	96761
Paul Kuykendall	96778
Georgia pinsky	96768
Kecia Joy	96753
Maya Watanabe	93023
Adam Hicks	96768
Nancy Silva	96753
Christine Queen	96746
Sandi Rhodes	96749
Solomon Sikirdji	96768

Name	Zip code
Jayla Jayla	96753
Barry Feld	96779
Lee Peabody	96793
Victoria Victoria	
Donelson Campbell	30528
Malia Fononga	96753
Heidi Denecke	96761
Elise thompson	
Adam Gould	
Jean young	96768
George Carlson	96753
Letisha Boyle	96790
Robert Friedlander	96779
Ray Parks	
Elsa Major	
Warren Flake	94010
Nija Rosamond	96753
Eric Baizer	96708-0140
Phoebe bodkin	
F barr	96768
Sulara James & Young	96753
Maja Daniels	96708
Linda Berry	96708
Ashley Stewart	96753
Nai'a NEWLIGHT	96708
Harlow Todaro	96708
Cecilia Reilly	96708
Michael Di Rosario	96708
John Coe	96797
Emily Dziegelewski	

Name	Zip code
Ruby Deutsch	96753
Sam Small	96768
Faith cummins	96761
Melissa Rizzolo	96713
Hilary Harts	96768
Maggie Costigan	96708
Christopher Fishkin	96732
Jane Russomanno	96753
Robert Boeckman	96793
James Marcus	96708
Harold Bloomfield	96779
Paul Fiske	96768
Myles Saputo	96708-5027
Vaughn Manley	96768
Bob Fontana	96790-8042
Annette Schmidt	96753
Jeff Munoz	96790
Colleen Lisowski	96788
Brian Sweeney	96708
Elisabeth Wertheim	96708
Kim Smith	89138
Megan Powers	96708
Jodi sussman	96753
Gayle Shufeldt	
Lisa Evanow	96753
Kathy Sheehan	96753
Angela Domagalski	96790
Joanheartfield Heartfield	96708
Daniel Smith	96733
John Hanhauser	96753

Name	Zip code
Jeff Sims	96761
Stefan Malecek	96708
Jason Schwartz	96779
Keira Morales	96753
Bond Rowe	96761
Pam Slowick	52556
Tamira Callender	96788
Piet Vanderhorst	96768
Jimmy Quitan	96753
Kathleen O'Neill	98178
Maha Conyers	96768
Suzanne Villeneuve	96755
Marc Steven	96788
Don Cianelli	19073
Fiona Nash	96753
Marlene Depierre	96708
Brian Murphy	96721
Smith smith	
Lynda Barry	96793-2668
Maranda schossow	
Sheea shafer	96753
Brenda Choi	89121
Tara Grace	96768
Sandra Rivas	96753
Sandra Watson	83854
Patty Davis	96708
Temple Weste	96721
Susan Campbell	96793
Lori F.	96733
Chris Cayton	96708
Ronda Gallemore	96793

Name	Zip code
Paul Cullen	96748
Michael Donahue	96819
Barbara Mattson	96753
Kathy Fujimoto	90266
Laura Johnson	96793
Laura Pyle	96790
William Douglas	96708
John McCollum	96790
Barbara Geary	96753
Debra Smith	
Frances Salvato	96768
Carey Higa	96793
Nanci Sharpe	
Buckie Jones	18840
Terry Miller	96793
James Abner	85257
Howard Rentzer	96761
Francis S.	60515
Marc Killam	34223
Sherri Kalman	87198
Cyrus Mead	96743
JA Wilson	97045-7330
Elizabeth Vessel	83860
Alex Beers	96793
Cayce Richardson	96768
Patricia Gardner	96708
Chris Harris	
Rick Wood	92004
Lisa Cubeiro	08050
Tamra soo	96790
Fred Boyd	85257
Jane Sperr	96733

Name	Zip code
Charlene Yoshimura	96768
Marie der kinderen	
Bonnie Newman	96753
Kathleen Maclsaac	96708
Virginia Christ	77077
Ane Takaha	96753
Paul Solomon	96708
John & Christel Blumer-Buell	96713
Marc Takaha	96753
Sylvia Litchfield	96732
Robin Knox	96753
Bobbie Best	96793
Trudy Soo	96790
Tassy tassy	
C Mellor	96727
Kelly Jenkins	96761
Matt Haley	96790
Michele Thornton	96708
Susan Dils	96761
Paz Padilla	96753
Jennifer vires	
Adrienne Pulu	96732
Rosemary Robinson	96708
Bonnie Marsh	96708
Jennifer Shannon	96708
Renee Miller	96732
Alexandria Siwecki	96753
Stefanie Hildreth	96768
Michael Fryer	94526

Name	Zip code
Michele Bats	96784
JoAnn garay	96753
Cynthia Keener	96746
Christopher Breckels	96761
Laura Van wagner	96753
Stephanie Austin	96708
Paul Janes-Brown	95788
Michele Thornton	96708
Pam Palencia	96753
Diana George	96793
kathleen Laronga	96753
Monette Kamelamela	96748
Luana O'Hare	96790
S. Ragan	96758
Vinayak Vinayak	96753
Elizabeth Wood	96753
Rena Blumberg	96753
Caitlin Matteson	98110
Laleny Vann	96768
Maya Sahafi	96708
Karen Harte	
John Hugg	96790
Ann Pitcaithley	96793
Tara Faulkner	96768
Stephanie Gigoff	96768
Kaimaile Makekau	
Tim Hogan	96708
Candice Pacheco	96768
Tom Gourley	96761
Keone Ampong	96761
Bodhi Be	96708

Name	Zip code
Ramani Ramani	96768
Mary Padilla	96753
Kalanimoku opunui	96761
Frank Oliveira	96713
Roslyn Cummings	96741
Mark Jones	96817
Harry Prince	96793
Michelle Waikiki	96708
Audrey Brito	96768
Michael Michael	96753
Roma Carlisle	96768
Shre Wilson	96708
MagdalenaJean Wood	96753
Kekoa makekau	96761
Tao Levine	96790
Karen Kriegermeier	96753
Akamu Akamu	96701
Sarah Tomastik	94609
Nicole Busto	96790
Michael daddario	96779
Erika DiSalvo	96708
Jody Klein	96713
Christine Andrews	55105-3343
Chris Scholl	07753
Laurie Mann	96761
David Klein	96708
Nansy Phleger	96761
Charlotte OBrien	96708
Aggie Mullaney	96790
Jennifer Vires	96753
Jason Groode	96753

Name	Zip code
Terez Amato	96753
Edwina Joao	96713
Jon Tallman	96708
Lisa Overly	96753
Jack Fisher	
Lee Eisenstein	96733
Kimberlyn Scott	96708
Denise McCormick	96768
Trisha Anderson	96793
Michelle Ramos	96768
Thomas Calhoun	96768
Richard Coleman	96749
Laurie Robertson	96753
Lisa Dillon	48770
Adria Marin	96790
Kim Mosley	
Deeanna Summers	96753
William Herbert	92028
Terry Collins	96708
Steve Paselk	96779
Evelyn Ampolos	96732
Kathleen Sheehan	96753
Jason Schwartz	
Carrie Demott	96753
Tanja Miller	96768
Susan Brittendall	
Bryan smith	96768
Paul Solomon	96708
ShakiraPerelnan Shakira	
Beth Clapper	96761

Name	Zip code
Amy Walton	96713
Daniel Minichiello	96737
James ferreira	96733
Kanani Higbee	96761
Linda Lyerly	96761
Marjorie Bonar	96768
Joy hosseinian	96753
Thomas Craig	96768
Michelle Kwik	96708
Alana Ross	96813
Yashanda Cruze	
Sharon Wright	23704
Terri Huber	96768
Kenneth Oelletier	94507
Katie bertacchi	96761
Kate Kenner	05301
Travis-Thomas mokiao	96707
Kim toomey	96793
Natasha Meskew	98245
Kerry Beane	96753
George Kaimiola	96768
Corey Kemfort	96768
Rynette Keen	96793
Zoe Alexander	96708
Steph McGuire	98108
Karen Barrier	98391
Patricia Nelson	96708
Carol Schwarz	96768
Charles Vallieres	96768
Amy walton	96713
M cayton	96708
CarolAnn Barrows	96753

Name	Zip code
Stacy Moke	96790
Marilyn McAteer	96761
Christopher Kasak	96708
Brett Gobar	96779
Laura bode	96761
Marley rutkowski	
Jill Richards	96708
Shelley Mack	96793
Megan Wilhelm	96708
Corrine Gross	96761
Raymond rutkowski	96708
LaFleur LaFleur	96793
Thomas Baum	96779
Devin Puma	96708
Jilly goldman	96003
Eva Bondar	96732
Susan Siegel	96704
Lauri Laureano	98290
Linda Norrington	96753
Jacqueline Kelley	96753
Kalimaya Herrera	96753
Tammy Biddix	96761
Henry Wolgemuth	96750
Kecia Joy	96753
Kim Wall	
Laurent Zahnd	96768
Kalani Pruet	96748
Beverly Wright	94070
Ray Baskerville	96708
Myan Spear	96767
Anson pakaki	96790

Name	Zip code
Marta Sweeney	
Susan Douglas	96753
Karen Jeffery	96768
Cynthia Van Kleef	96753
Stephen Van kleef	96753
Manon Pretre	96779
Elisa Plauche	96708
Ashley McNeil	96708
Serene Gunnison	96708
Roseline Frye	96793
Thomas Lelli	96768
Gabriel beeson	96761
Phillip Stephens	96748
Joseph Kohn	96793
John Laney	96753
Monica Pihi	96785
Evangeline Jones	96708
Janice H	96793
Richard DeLeon	96753
Mark Kamakea	94577
Susan Sherman	96768
Julia Paul	96778
Stephen Luksic	96790
Deborah Shrader	96753
Deborah Umiamaka	96743
Denise Medeiros	96778
Owateka ward	96753
Ericka Badua	96719
Isadora Sicking	96793
Mel Wildman	96814
Dawn Keegan	96753
George Chyz	96708

Name	Zip code
Michael Zarate	96768
Georgina Mano	96761
Joe DiNardo	24483
Milena Kari	96732
Sharon Ray	81149
John Gelert	96753
Priscilla Carmichael	96768
Cynthia Kennedy	96740
Joseph Kohn	96793
Alicia Jacobson	96708-1473
Eva Stoeger	96761
Margaret Skillicorn	96784
Mary Hackney	96825
Nicole Nicole	96790-8501
Irene Ryding	96708
Steven Forman	96779
SarahLynn Bower	96793
Jayson Garcia	96779
bonnie Morgan	96761
Mitchell Aquino	96753
Nicholas Drance	96753
Donald Harp	96753
Michelle Griffoul	96861
Paula Phillips	96708
Katie Hazen	96790
Rena Blumberg	96753
Diana Hayes	96761
Karen Hecht	96753
Carmie Spellman	96761
Ray Baskerville	96708
Alana Kay	96753

Name	Zip code
DONNIE BECKER	96753
Barbara Nickou	96748
Deborah May	96708
Valerie Mizner	96708
Charles Mort	96708
Valerie Lasciak	96793
Patricia Lailey	96768
Sue Perley	96753
Debra Greene	96753
Lee Cone	96753
Bobbie Best	96793
Deborah Pozin	96753
Lenore Brozen	96753
Mary Omwake	96753
Fred Spanjaard	96753
Nancy Haag	96753
Holly Malloy	96708
Gordon Lange	96753
Mary suzzana Goodwin	96768
Julianne Dahl	96761
Anne Allison	96753
Judith Levy	96708
Airielle Peason	96753
Laura Van Wagner	96753
Marta Greenleaf	96768
David Balfour	96753
Dhyan Sandhya	96753
Ingrid Landon	96753
Judith Carroll	96753
Joan Heartfield	96708
linda Lyerly	96761

Name	Zip code
Brian Sato	96768
Phyllis Robinson	96753
Nathan Yuen	96706
Lori F	96733
Mary Groode	96753
Hillary Palmer	96779
Travis Gylstand	96761
Chani Goering	96753
Christine D Ferguson	96708
Robert Busse	96790
Dawn Sinkinson	85706
Janusz Harp	96753
Sean Lester	96708
Gabe Johnson	96763
Richard Godfrey	96749
Tim siver	96708
Petrina Castillo	96708
Cathy nava	96761
Thomas Hogan	96708
Ronda Smythe	96732
Jen Hunt	96793
Christopher Parks	96753
Hadassah Vas	86768
Elizabeth MacDougall	96753
Alvin Ray Yabo	96753
Cheryl Moore	96768
Jennifer Van Laanen	96732
Andrew Aker	96708
Christine Vw	96753
Lori Smith	96790
Karri Ayasanonda	96761

Name	Zip code
Jane Martin	96761
Sheena K	96732
Vijak Ayasanonda	96761
Patricia Teeters	96793
Alan Lloyd	96793
Jayne Bush	96768
Mark Erickson	96768
Betty Miller	96708
Lucia Maya	96790
Mark Erickson	96768
Ginger Prince	96761
Leonard Kaaluahi Nakoa, Jr	96708
Daryl Hildreth	96761-1779
Kai Duponte	96768
Paula Opal	96761
Cheryl Ann Hotta	96793
Ken Janes	96753
A. Christine Brautigamsuapai a	96753
michael gilbert	96753
Anthony Roberts	89117
Amy Stephens	96761-8187
David Edmonson	96761-8187
Anita Silva	96749
Andrew Isoda	96761
Michelle Kitashima	96708
mary drayer	96793
Sam Kiek	96761
Consuelo Apolo- Gonsalves	96761
Susan Hopkins	96793
flo wiger	96761

Name	Zip code
Tara Reed	96793-1318
David Hewahewa	96793
William Giebink	96768
Jason Philip	96793
Suzanne Fields	96708
Taysia Kekiwi	96779
JAMES VERBICK	96761
Patricia Anderson	96793
Marlene Belschner	96753
Joslynn Young	96732-1254
Diane Diehl	96793-1543
joel katz	96793
Frank Diana	96753
Joseph Kohn MD	96793-2641
Kiana Chandruang	92127
Darcel Gilbert	96761
Linda Lyerly	96761
Marty Stevenson	96761
PAUL SOLOMON	96708
Dan Vertrees	80010
Paul Smith	96790
Chani Smith	92056
Anita Silva	96749
Darrel P	96732
Frances Salvato	96768
Eloise Miranda	96768
Tricia Evans	96732
Teresa Nae'ole	96753
Rita Lei Medina	96761
John Blumer-Buell	96713
Rene Haynes	96793

Name	Zip code
PK Opal	96761
Judith Cantrell	96753

MAUI COUNTY COUNCIL

**GOVERNMENT RELATIONS, ETHICS, AND
TRANSPARENCY COMMITTEE
TESTIMONY**

RESOLUTION 24-58
RELATING TO REAPPOINTING THE COUNTY CLERK
AND DEPUTY COUNTY CLERK
(GREAT-23)

~~~

**MAUI COUNTY COUNCIL**

**PLEASE TAKE INTO CONSIDERATION FORMER CORPORATION  
COUNSEL DIRECTOR MOANA LUTEY IS DIRECTLY RESPONSIBLE FOR  
THE COSTLY ONGOING COUNTY EMPLOYEE WHISTLEBLOWER  
LITIGATION AND BOARD OF ETHICS COMPLAINT AGAINST THE  
COUNTY AUDITOR THAT INVOLVES MOANA LUTEY'S  
QUESTIONABLE CONDUCT.**

**I BELIEVE MOANA LUTEY AND CONFLICTED CORPORATION COUNSEL  
HAVE AN ETHICAL OBLIGATION TO PUBLICLY DISCLOSE TO THE  
MEMBERS OF THE MAUI COUNTY COUNCIL THE POTENTIAL IMPACTS  
ON THE PROPOSED COUNTY CLERK POSITION AS THESE LEGAL  
MATTERS HEAD TOWARDS TRIAL AND INVESTIGATION.**

---

“After vigorously defending their own misconduct at the public  
expense for years, on June 6, 2023, Chair U’u-Hodgins stated to the  
GREAT Committee,

*“ We have been notified by Corporation Counsel Takeyesu that the  
Judge ruled Corporation Counsel is conflicted out of the case”.*

ATTACHMENTS:  
LETTER TO DIRECTOR LUTEY – BOARD OF ETHICS COMPLAINT



COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

**COMPLAINT**

**COUNTY AUDITOR LANCE TAGUCHI**

In violation of Maui County Charter: Article 10 Code of Ethics, Section 4.1.g, the "independent" County Auditor Lance Taguchi breached his professional duties and used his official position to grant unwarranted consideration, advantages, and treatment to The Department of Corporation Counsel in violation of the public interest and Government Auditing Standards.

In an ongoing whistleblower case, conflicted Corporation Counsel has asserted attorney/client privilege to withhold compelled government records between conflicted Corporation Counsel and the County Auditor regarding the Audit of the thousands of unaccounted-for "3 Lots or Less" roadway infrastructure deferral agreements that County attorneys executed for over four decades.

After three years of investigation, the Auditor suspended the audit citing one disputed subdivision agreement and failed to provide any conclusions or guidance on the assessment and collection of the debts owed to the County by private developers. Far worse, the Auditor failed to report to the proper authorities the clear evidence that Corporation Counsel executed agreements with private developers outside of County laws and ordinances to defraud the County of Maui and its taxpayers.

Regardless of the whistleblower case, Corporation Counsel's claim of attorney/client privilege over legal advice and related internal communications with the County Auditor and Cost of Government Commission provides proof that the Office of the County Auditor has allowed their independence to be penetrated while Corporation Counsel's misdealing's were the subject of an active audit and investigation.

After vigorously defending their own misconduct at the public expense for over two years, on June 6, 2023, Chair U'u-Hodgins stated to the GREAT Committee, "*We have been notified by Corporation Counsel Takeyesu that the Judge ruled Corporation Counsel is conflicted out of the case*". As such, Corporation Counsel is also conflicted from advising the Board of Ethics on this complaint.

At issue is that the law firm of Kobayashi, Sugita, and Goda, LLP ("KSG") has been retained to represent and defend County officials, including the Department of the Corporation Counsel. The County Auditor has now also engaged legal representation by KSG, at the public's expense, without requesting the required conflict review from the Board of Ethics. Again, KSG is currently defending the conflicted Department of Corporation Counsel's misconduct in the ongoing civil case.

COUNTY OF MAUI

**BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793**

Therefore, this complaint respectfully seeks the following determinations from the County of Maui Board of Ethics.

1. There are adverse responsibilities to the public interest between the “independent” County Auditor and the audited Department of Corporation Counsel.
  - a. Conclusion: The County Auditor must seek independent legal counsel.
2. Based on information and belief, the Office of the County Auditor breached their duty to remain independent by accepting legal advice from The Department of Corporation Counsel during the Audit.
  - a. Conclusion: The County Auditor must recuse themselves from the Audit.
3. The County Auditor was grossly negligent in failing to complete the Audit and years later suspending the Audit.
  - a. Conclusion: By suspending the Audit, the County Auditor provided unwarranted advantages, and treatment, and covered up evidence of malfeasance by the conflicted Department of The Corporation Counsel in violation of their professional duties and the public’s interest.

**September 19, 2024**

*Christopher Salem*

**Christopher Salem**

Attachments:

- Maui Time Weekly Cover Story
- Letter to Corporation Counsel Deputy Director Michael Hopper
- Editorial of attorney David Cain
- Affidavit of JoAnne Johnson Winer

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

References:

**1. Misuse of Public Funds for Private Interests**

- **Argument:** The use of public funds to defend Corporation Counsel in a case where their self-interests and the interests of private developers are at stake constitutes a violation of the public trust. Public funds are intended to serve the interests of the community, not to protect a select few County attorneys whose actions, as documented, have harmed the County financially and legally.
- **Elaboration:** The Corporation Counsel's role is to provide legal guidance in the best interest of the County and its citizens, not to shield itself or private developers from liability. By allocating taxpayer resources to defend against claims of fraud and malfeasance, the Corporation Counsel undermines public confidence and violates its fiduciary duties.

**2. Conflict of Interest Compounded by Use of External Counsel**

- **Argument:** The hiring of the law firm Kobayashi, Sugita, and Goda (KSG) without proper conflict review amplifies the appearance of impropriety, as it further solidifies the conflict of interest inherent in the Corporation Counsel's role.
- **Elaboration:** The retention of KSG to represent both the Corporation Counsel and the County Auditor, who is meant to be independently auditing the Corporation Counsel, creates an irreparable conflict. The same law firm representing adverse and conflicting parties raises questions about the objectivity and fairness of the legal proceedings.

**3. Failure to Safeguard Public Interest by the County Auditor**

- **Argument:** The County Auditor's failure to complete the audit and report fraud and misdealings demonstrates a failure to uphold the public interest, violating the ethical responsibilities defined under the Maui County Charter and Government Auditing Standards.
- **Elaboration:** The suspension of the audit, without appropriate reasoning or recourse, allows the alleged fraudulent activities to remain unaddressed. This inaction not only deprives the County of rightful restitution but also gives the Corporation Counsel and developers an unfair advantage by delaying accountability. The fact that the Auditor did not report the irregularities to proper authorities exacerbates this failure and further erodes trust in government institutions.

**4. Attorney-Client Privilege Abuse**

- **Argument:** The use of attorney-client privilege by the Corporation Counsel to withhold key records and communications from the audit process is an abuse of privilege intended to shield malfeasance, rather than to protect legitimate legal strategy.

COUNTY OF MAUI

**BOARD OF ETHICS**  
**200 South High Street**  
**Kalana O Maui Building**  
**Wailuku, HI 96793**

- **Elaboration:** Attorney-client privilege is intended to protect the integrity of legal communications, not to obstruct transparency in government actions. In this case, the privilege is being used to prevent the disclosure of records that are crucial to assessing whether fraudulent deferral agreements were executed by Corporation Counsel. The abuse of this privilege reinforces the need for independent counsel to investigate and audit the claims without interference or influence.

## **5. Potential Violation of State and Federal Law**

- **Argument:** The Corporation Counsel's alleged actions, in concert with private developers, may also violate State and Federal laws regarding fraud and misuse of public funds.
- **Elaboration:** Beyond the violation of local ordinances and ethical standards, the documented fraud involving deferral agreements may also breach broader laws, including federal anti-corruption statutes or state laws prohibiting fraudulent financial dealings with public entities. By refusing to disclose the related documents, the Corporation Counsel could be complicit in these violations, necessitating a deeper investigation at both the State and Federal levels.

## **6. Public Transparency and Accountability**

- **Argument:** Public officials and departments, including the Corporation Counsel and the County Auditor, have an ethical and legal responsibility to maintain transparency, particularly in matters of public finance and development.
- **Elaboration:** The concealment of information about the deferral agreements and the suspension of the audit undermine public transparency. The Board of Ethics must consider whether the involved officials have breached the trust of the public by failing to be forthcoming with critical information. The lack of transparency prevents the public from understanding the full extent of the financial losses incurred by the County and the degree of improper influence by private developers.

### **Conclusion:**

These additional arguments reinforce the assertion that public resources are being used improperly to protect individuals and entities with conflicts of interest, which violates ethical obligations to the public. Addressing these conflicts is essential to restoring public trust, ensuring accountability, and upholding the integrity of established County checks and balances.

COUNTY OF MAUI

**BOARD OF ETHICS**  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

**Brief History**

In June of 2018, responding to a petition of County residents with over 2000 signatures and the members of the Maui County Council’s unanimous vote, the County Auditor self-initiated an audit of the thousands of unaccounted-for and uncollected private developer roadway infrastructure “deferral” agreements executed by The Department of Corporation Counsel for over four decades.



***The Audit was a result of over twenty years of obstruction by Corporation Counsel***

In 1999, JoAnne Johnson was elected as the West Maui Council Member. Shortly after, former County Clerk Kathy Kaohu was hired as her executive assistant. In early 2000, resident Christopher Salem contacted Council Member Johnson's office regarding the proposed County of Maui roadway infrastructure Capital Improvement Project (CIP) Phase IV of Lower Honoapiilani Road.

The Department of Public Works' false notices of the commencement of construction of the Phase IV CIP adjacent to resident Salem’s subdivision, led to Salem’s discovery that the County failed to track or collect on any of the roadway infrastructure “deferral” agreements written for over 40 years. Resident Salem reported these findings to Council Member Johnson and Executive Assistant Kaohu almost 25 years ago. After decades of denial and obstruction, the County has still taken no action to investigate or resolve the matter except to finally admit that the failure by The Department of Corporation Counsel, the Department of Public Works, and the Department of Finance involves thousands of agreements.]

Resident Salem also discovered that the Department of Public Works commonly obtains hundreds of thousands of dollars in public funds from the Maui County Council during annual budget hearings to pay select local professionals to plan and design roadway infrastructure projects. They do so without first ever acquiring the land frontage rights from local residents that is required to actually complete the projects. As an example of the waste of public funds that led to the discovery, 25 years later, despite multiple CIP commencement notices by the Public Works, the Phase IV roadway project is still not complete.



COUNTY OF MAUI

**BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793**

In 2002, Resident Salem provided written notice to Mayor Arakawa and Public Works Director regarding private developers' "deferred" roadway infrastructure financial obligations ultimately being paid by the County and taxpayers. Corporation Counsel ignored resident Salem's notices and continued to authorize, execute, and record on the land titles of the subdivided parcels hundreds more "3 Lots or Less" roadway infrastructure "deferral" agreements with private developers.

In 2007, as a result of Council Member Johnson and resident Salem's relentless efforts, the Maui County Council repealed the ordinance that "deferred" private developers' roadway infrastructure obligations. In 2010, Council Member Johnson and the Maui County Council adopted by ordinance the requirement to notice, assess, and collect upon the "deferral agreements from the affected property owners during County roadway infrastructure projects.

The well-documented history shows that conflicted Corporation Counsel and the Department of Public Works intentionally and recklessly shifted tens of millions of dollars of private developers' financial obligations onto the County and taxpayers. As of this date, not one dime has been assessed or collected by the County, which is a violation of the adopted ordinance and County Charter.

***The County Auditor violated his professional duties.***

In July 2019, Salem accepted Mayor Victorino's offer of a position as a legislative liaison staff member in the Office of the Mayor, with Salem's first task being the creation and adoption of a fair and equitable system for assessing and collecting on thousands of developer agreements. Salem accepted his County position based on Mayor Victorino's expressed intent to clean up the County government, beginning with the unaccounted-for private developer roadway infrastructure "deferral" agreements.

Relying on the County Auditor's duty to provide an accurate accounting of the collectible developer "deferral" agreements to the Mayor and Maui County Council, Salem introduced to Mayor Victorino a nationwide professional consultant to guide the County of Maui in adopting a system for assessing the developer debts. The County Auditor received the consultant's qualifications, proposal, and the proposed "Fairness Bill" (PC-17) legislation, which Salem and Counsel executive assistant Jordan Molina previously authored to adopt a fair and equitable system of collection.

Records show that after initiating the Audit in 2018, Salem provided the County Auditor with evidence of County Defendant violations, non-compliance with County laws, and fraud in multiple subdivision "deferral" agreements island-wide that were facilitated by Corporation Counsel attorneys. The evidence included an admission from former Public Works Director David Goode confirming Salem's claims:

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

Undeniably, an independent audit would reveal that Corporation Counsel and the Department of Public Works executed numerous subdivision infrastructure “deferral” agreements with private developers outside the adopted County ordinance, unlawfully shifting developers’ financial obligations onto the County and taxpayers.

***“Compounding all that is that some deferral agreements, three lots, had another future three lots and a future three lot, so it got subdivided again and again, had different deferrals, And in some cases, especially in West Maui, the original three-lot subdivision was a huge piece of land that went halfway up the mountain.***

***And so there’s a possibility there’s going to be some (“3 Lots or Less”) deferral Agreements where theoretically there’s 1,000 different owners and they each owe us \$25.***

***I mean it’s getting really crazy...***

**Budget and Finance Committee Minutes, April 19, 2012**

**David Goode - Director of Public Works**

Had the County Auditor performed its independent duties in a timely manner in compliance with adopted professional auditing standards, the private developer debts would have been quantified, and collection actions would have been taken. Alternatively, by consulting with independent and non-conflicted legal counsel, the independent Auditor could determine that the developer agreements are legally unenforceable and should be removed as encumbrances on thousands of real property titles County-wide.

***County Auditor’s findings were never presented to Maui County Council***

Government records, wrongfully withheld for nearly three yeaaars by Corporation Counsel and only recently received by way of a court order, now document that on August 13, 2019 the Office of the County Auditor scheduled a meeting with Mayor Victorino’s newly appointed Public Works Director Rowena Dagdag Andaya, Deputy Director Stephen Welling, Public Works staff Chico Rebara, Glen Ueno, County Auditor Senior Analyst Scott Kaneshina, and Kainalu Severson.

The August 13, 2019 meeting regarding the Audit of the “3 Lot or Less” Subdivision “Deferral” agreements was referenced as having “High” Importance. As we now know, just a few days later, on August 22nd, highly qualified Deputy Public Works Director Stephen Welling announced his resignation after only four months on the job.

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

Yet to be discovered is what was discussed or disclosed at that “Highly Important” August 13th Auditor meeting, which involved long-standing Public Works staff members who had direct involvement and personal knowledge of the unlawful acts and manipulation of the “3 Lot or Less” roadway infrastructure “deferral” agreements.

The Court compelled County records also now reveal that on July 25, 2019, County Auditor Lance Taguchi sent a letter to Public Works Director Rowena Dagdag-Andaya seeking information relating to the “deferral” agreements. Through Mayor Victorino, Director Dagdag-Andaya’s August 22, 2019 response documents that the County Auditor requested from Corporation Counsel “internal memos and opinions from the Office of Corporation Counsel regarding enforcement of subdivision deferral agreements”.

Applying their repeating pattern of obstruction of government records, conflicted Corporation Counsel responded to the Auditor stating that the requested records were “not readily retrievable and will require additional time for completion”. Salem asserts that conflicted Corporation Counsel never had any intention to deliver the requested documents or to enforce the developer agreements, and the office of the County Auditor allowed itself to be coerced into suspending the County audit after three years of investigation without submitting any meaningful report to the County Council.

***The Office of the County Auditor breached its independence.***

As a direct result of the Office of the County Auditor's failure to perform their independent duties in a responsible time frame, the Maui County Council, staff member Salem, and the Mayor Victorino Administration were unable to take the first step towards establishing a fair and equitable system of assessment of the tens of millions of dollars owed to the County of Maui.

On October 20, 2020, as a staff member of the Office of the Mayor, Salem sent a respectful communication to County Auditor Lance Taguchi requesting a status update on the audit of the unaccounted-for developer deferral agreements. The letter states.

***‘As a staff member of the Office of the Mayor, I was hired with the stated task of adopting and facilitating a system of collection and assessment of the agreements.***

***With that said, the entire process is being stalled by the years of delays of your pending Audit. I am forwarding this communication to both.’***

Christopher Salem Office  
of the Mayor

As a staff member of the Office of the Mayor, Salem provided the County Auditor with further employee Whistleblower discovery and evidence that Corporation Counsel attorneys and former Public Works Director Milton Arakawa executed multiple illegal “deferral” agreements years after the County

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

Council terminated the Deferral Agreement ordinance.

The recently compelled Government records document that the County Auditor and conflicted Corporation Counsel obstructed access to County records that prove that the County Auditor had possession and knowledge of the multiple unlawful developer agreements going back to 2018. As the record now shows, for years thereafter, the County Auditor failed to produce any Audit Findings or Reports to the Maui County Council.

The Maui County website states the Office of the County Auditor shall adhere to the following professional auditing standards.

**Professional Standards**

The Office of the County Auditor adheres to very rigorous and demanding professional auditing requirements as described in Generally Accepted Government Auditing Standards, commonly referred to as GAGAS or [The Yellow Book](#). These standards include requirements for planning the audits; ensuring properly trained and supervised staff; determining the rationale for the objectives, scope, and methodology of audits; selecting the criteria used to evaluate the audit subject, and ensuring the evidence is sufficient, relevant, and competent.

**“Pursuant to 7.51 of the Yellow Book, “Auditors should report identified or suspected non-compliance with provisions of laws, regulations, contracts, and grant agreements and instances of fraud**

Resident Salem asserts that had the County Auditor directed his “properly trained” staff and independent attorneys to act in accordance with the rigorous Professional Auditing Standards, the findings and facts surrounding the one disputed and unlawful subdivision agreement would have been clearly established.

***The County Auditor was made aware of additional fraud in the one subdivision that suspended the audit.***

As the government records affirm, the Office of the County Auditor had direct access to the evidence of fraud and falsification of government records by former Public Works Director Arakawa and Corporation Counsel in the one disputed subdivision that the Auditor used as an excuse to suspend the audit.

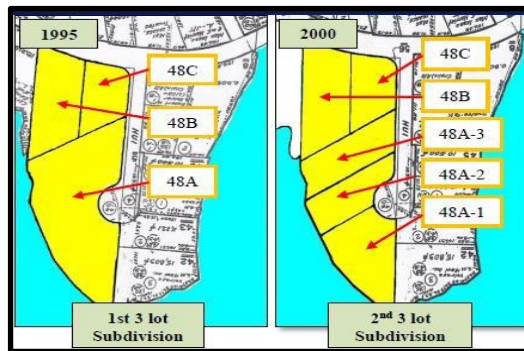
Director Arakawa, the partners of Lot 48A, LLC, and their private attorneys circumvented County laws through private warranty deeds during the overlapping subdivision of Lot 48A, unlawfully adding their 3 new parcels to the County “3 Lot or Less” subdivision agreement without Corporation Counsel’s approval.

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793

Over a decade later, Public Works Director Milton Arakawa and Corporation Counsel mailed a falsified “3 Lot or Less” Notice of Intent to Collect upon a pro rata share of the proposed Phase IV CIP to five property owners. Corporation Counsel now admits they have no contractual or infrastructure “deferral” agreement with the overlapping subdivision parcels created by Developer Lot 48A, LLC in LUCA file No. 4.805 in 2001.

40. No additional, new “3 Lot or Less” Subdivision Deferral Agreement was authorized or recorded by the Department of Corporation Counsel for the three additional parcels (Lot 48A-1, Lot 48A-2, Lot 48A-3) subsequently subdivided by Developer Lot 48A, LLC in 2001.



As the County Auditor is fully aware, the Maui County Code does not lawfully allow for three additional parcels to be added to a “3 Lots or Less” subdivision “deferral” agreement when the parent parcel is further divided. To the contrary, the Maui County Code requires full roadway frontage improvements in all subdivisions resulting in four or more lots.

The County Auditor had an ethical duty to notify the proper authorities in 2019 of evidence of Mail Services Fraud and collusion between County officials and Developer Lot 48A, LLC. Mail Services Fraud is a criminal act.

***The Office of the County Auditor was also aware of the civil conspiracy.***

As the government records reveal, Director Arakawa, the partners of Lot 48A, LLC, and their private attorneys circumvented County laws through private warranty deeds during the overlapping subdivision of Lot 48A, unlawfully adding their 3 new parcels to the County “3 Lot or Less” subdivision agreement without Corporation Counsel’s approval.

One of the Lot 48A, LLC partners who manipulated the County contract and real property land titles was Robert Cella, the owner of Coldwell Island Properties. Simply stated, the licensed real estate experts and development partners were neither rookies nor naive about their unlawful acts.

COUNTY OF MAUI

BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793



In prior Court pleadings, Corporation Counsel represented that private citizens and real estate brokers who contract away the rights and roles of the County and prevent the County from functioning appropriately under the laws are guilty of promoting corruption “at the highest level of local government.”

**“If a private citizen were able to contract away the rights and roles of County officials, the County would cease to function appropriately under the law. Among other things, it could promote corruption at the highest level of local government.”**

**Department of the Corporation Counsel (Dkt 147 - Page 14)**

The evidence Lot 48A, LLC’s former land planning partner Public Works Director Milton Arakawa sent slanderous collection notices to five property owners, including the unlawful privately executed warranty deed owners, falsely informing them they would have to “haggle” over unspecified amounts owed to the County for a previously proposed roadway infrastructure CIP.

The County Auditor, and their conflicted legal advisor the Department of Corporation Counsel, were fully informed and noticed early in the Audit review that no adopted County law allowed for five real property titles to be bound by the same “3 Lot or Less” subdivision infrastructure deferral agreement, and that Director Arakawa’s notices represented clear and indisputable evidence of falsification of government records and manipulation of County laws.

Despite the documented evidence of misdealing’s by County Officials and Corporation Counsel attorneys since 2019, the Auditor failed to report the unlawful acts to the members of the Maui County Council or County Prosecutor. Instead, the Auditor knowingly allowed conflicted Corporation Counsel to interfere with the independent Auditor’s duties and obstruct access to government records.

COUNTY OF MAUI

**BOARD OF ETHICS  
200 South High Street  
Kalana O Maui Building  
Wailuku, HI 96793**

In conclusion, under the influence and interference of Corporation Counsel, the County Auditor's unethical and irresponsible decision to suspend the audit after years of investigation establishes complicit conduct and complete disregard for established government auditing standards by the Office of the County Auditor. As a direct result, the "independent" County Auditor now seeks legal representation of outside counsel from the very same law firm who is defending conflicted Corporation Counsel.

The Board of Ethics is being called upon to affirm that the responsibilities of the audited Corporation Counsel and the Office of the County Auditor are opposed to one another, and therefore KSG's legal representation is a clear conflict of interest, and finally that the Auditor is clearly negligent for not requesting this Board of Ethics to provide a conflict-of-interest opinion.

Respectfully.

**September 19, 2024**

*Christopher Salem*

**Christopher Salem**





Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, HI 96761

June 4, 2020

County of Maui  
Director of the Department of The Corporation Counsel  
200 South High Street - 3<sup>rd</sup> Floor  
Wailuku, HI 96793

RE: 2<sup>nd</sup> Request for Ho'oponopono<sup>1</sup> healing to avoid litigation

Dear Ms. Lutey;

As a taxpaying resident, employee and staff member of the Office of Mayor Victorino, and former executive assistant to the Maui County Council, I believe the records reveal you have exhibited a repeating pattern of abuse of power and deceptive legal practices which justifies a calling for professional attorney reconciliation or your resignation.

A recent decision by the staff attorneys with the State of Hawai'i Office of Information Practices ("OIP") on a case reopened from 2017,<sup>2</sup> once again raises serious questions about your commitment to ethically serve the citizens of Maui County.

The OIP case centers on your 2<sup>nd</sup> Circuit Court pleading<sup>3</sup> where you falsely alleged that Developer Lot 48A, LLC's SMA Permit environmental studies were "**eventually produced**" in response to over "30 UIPA" requests for the County records. A parallel issue is your dubious representation to the 2<sup>nd</sup> Circuit Court of the County's duty to maintain public records.<sup>4</sup>

During your appointment hearings, you responded to Council Member Paltin's questions about this specific SMA Permit as follows;<sup>5</sup>

***"..do you know of any reason the County should not enforce a SMA permit that the Mayor agreed to?"***

Council Member Tamara Paltin - May 28, 2019

***"I'm not sure what that one's about. I have really no idea.***

***If you gave me a specific, I could go figure that out but I haven't been involved in any SMA's or being consulted on it so I'm just not sure what that issues about."***

Acting Corporation Counsel Moana Lutey - May 28, 2019

As the County of Maui attorney of record on multiple cases involving the SMA Permit in question, (See References Below) you made dishonest statements to Council Member Paltin to avoid exposing your inability "**to be completely neutral on cases you have had for years**"<sup>6</sup>. You also made a false representation of Judicial records to Council Member Sinenci<sup>7</sup> stating "**There has been no appeal of that case**".<sup>8</sup> The case is in fact under appeal. (See CAAP-18-0000105)

<sup>1</sup> Ho'oponopono is a practice that can occur within the Ohana,(family) Kaiaulu,(community) or Hui. (organization)

<sup>2</sup> State of Hawaii Office of Information Practices ("OIP") Case No. 18-07

<sup>3</sup> 2<sup>nd</sup> Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 3

<sup>4</sup> 2<sup>nd</sup> Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 2

<sup>5</sup> Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

<sup>6</sup> Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

<sup>7</sup> Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 30

<sup>8</sup> Intermediate Court of Appeals State of Hawai'i Case No. – CAAP-18-0000105

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

In simple terms, you deceived the public and the Council members to avoid scrutiny of your decision making to pursue the most powerful position of influence in County government. Mayor Victorino, along with other creditable public officials such as County Clerk Kathy Kaohu, are fully aware that Developer Lot 48A, LLC's complete SMA Permit file was not "**eventually produced**" as you falsely alleged to the 2<sup>nd</sup> Circuit Court.

**Therefore**, under HRS §92F-42(1), the OIP has been noticed that a lawsuit shall be filed against you in the 2<sup>nd</sup> Circuit Court to obtain access to government records from Corporation Counsel. The records will reveal that your pleading to the 2<sup>nd</sup> Circuit Court regarding "**eventually produced**" government records was falsely made with the intent to be taken as genuine.<sup>9</sup>

**Acting Corporation Counsel Director Lutey withheld Mayor Victorino's settlement agreement.**

As the records reveal, on May 2, 2019, you're dishonest "**no idea**" statement was made at the same time you were unethically withholding from the members of the Maui County Council a legal settlement agreement that Mayor Victorino negotiated and willingly signed.

Mayor Victorino's side of the contractual agreement would have ensured that Public Works Director Milton Arakawa's former developer client, Lot 48A, LLC, would return to their oceanfront subdivision to complete the unfulfilled infrastructure and drainage obligations as required and represented by their conditional SMA Permit and previously concealed environmental studies.

***"Milton, when I look at what he did, took advantage of the situation to take care of his friends"***

***"There is a definite, I hate to use the word collusion, but there is."***

***"He deserves more than a slap on the wrist, far more than a slap on the hand"***

Mayor Elect Michael P. Victorino - December 2018

As a former elected member of the Maui County Council during the times relevant, Mayor Victorino was a direct witness to the conspired scheme orchestrated by Director Arakawa to conceal the public records of his client's SMA Permit application and environmental studies.

On April 17, 2019, with Mayor Victorino's support and approval, the signed settlement agreement and resolution proposal was sent to your attention as Acting Director of Corporation Counsel. The communication included a cover letter which outlines the terms of the agreement and consideration being granted to the County of Maui.

On May 2, 2019, during your Director appointment hearings, you also stated;<sup>10</sup>

***".. when you work on something for years and years, you get so deeply invested at times that it's hard to contemplate settlement. "***

As Mayor Victorino's appointed legal counsel, you are perpetuating a crime and wrongful act to protect and shield former Public Works Director Milton Arakawa. In violation of your professional and ethical duties, you have obstructed the members of the Maui County Council from acting upon a settlement agreement signed by Mayor Victorino.

<sup>9</sup> See Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records

<sup>10</sup> Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 79

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

**Therefore**, in accordance with Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records, the evidence of your falsification of government records and knowingly false statements before the members of the Maui County Council, shall be presented to the County of Maui Prosecutors Office.

**Mayor Victorino's Signed Agreement exposes Corporation Counsel's false representations.**

Mayor Victorino's performance on the contractual agreement would have galvanized into government records the evidence of years of concealment and misrepresentations of the SMA Permit records by the Department of Corporation Counsel attorneys in multiple legal cases.

***"We worked long enough on this case.  
I don't want you to drop the case, I believe you are right."***  
Mayor Elect Michael P. Victorino - December 2018

The agreement with Mayor Victorino provides conclusive evidence to support a post-judgement Motion in the Court of the 2nd Circuit that will expose Developer Lot 48A, LLC's fraud and malicious conspiracy with Director Arakawa to intentionally harm my family.

***"I do recognize there's still one issue -- at least one issue under investigation,  
and it's possible that something that could lead to a  
post-judgement motion related to fraud."***  
Honorable Judge Joseph Cardoza <sup>11</sup>

***"As I cannot help but feel that you and County of Maui have been defrauded,  
the taxpayers have been cheated out of financial obligations the developer  
should have been rightfully paid."***  
Council Member JoAnne Johnson Winer<sup>12</sup>

As the Director of Corporation Counsel, you have obstructed justice and interfered with Mayor Victorino's performance upon the signed contract in violation of your official duties and the laws and ordinances of Maui County. Nevertheless, your dishonorable interference does not invalidate the contract signed by Mayor Victorino's nor his witnessing of Director Arakawa's collusion with Developer Lot 48A, LLC.

**Therefore**, as a direct result of interference with Mayor Victorino's duties and promises, a Rule 60(b) Motion shall be filed in the 2nd Circuit Court, supported by a cause of action for interference and claim for specific performance by Mayor Victorino on the signed contractual agreement. I believe a recent statement by 2<sup>nd</sup> Circuit Court Judge Peter Cahill will bring to justice for your obstruction of the Mayor's duty to uphold the environmental laws;

***"The irreparable harm here is the people of the County of Maui  
having a right to have their laws enforced."***  
Judge Peter Cahill – January 22, 2020<sup>13</sup>

---

<sup>11</sup> Civil No. 09-1-0040(3) – Transcript Page 35

<sup>12</sup> Notarized Affidavit of JoAnne Johnson Winer – August 11, 2015

<sup>13</sup> Civil No. 17-1-0393(2)

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

**Corporation Counsel's direct role in concealment of the requested SMA Permit records.**

The financial expenses incurred by the County of Maui through unjustified legal defense, along with the prolonged monetary and emotional injuries to my family, are a direct result of Corporation Counsel's role in the concealment of the Developer Lot 48A, LLC's complete SMA Permit file and the manipulation of the unaccounted-for "3 Lots or Less" developer infrastructure "deferral" agreements.

In 2014, in the United States Bankruptcy Court, a Rule 2004 Subpoena was issued to the Department of Planning and the Department of Corporation Counsel requesting government records relating to Developer Lot 48A, LLC's SMA Permit file. Corporation Counsel immediately filed a Motion to Quash my access to the SMA Permit government records.<sup>14</sup>

***"Use of a Rule 2004 Subpoena constitutes abuse and harassment of the County. Planning has nothing whatsoever to do with the acts, conduct, or property or liabilities and financial condition of the Debtor. (Salem)"<sup>15</sup>***

Corporation Counsel Director Patrick Wong

As the County records represent, On August 3, 2009, the Planning Department responded to my request for access to Public Records relating to Developer Lot 48A, LLC's SMA Permit file SM2 2000/0042, as follows;

***".. The SM2 file cannot be found at the County. Without the file I could only locate documents on the computer and was only able to find the following."***

Department of Planning – August 3, 2009

As late as 2014 Corporation Counsel was aggressively conspiring to conceal and obstruct my access to the "***eventually produced***" Developer Lot 48A, LLC's SMA Permit File. As the records reveal, Director Arakawa fraudulently clouded my family's real property title with an illegitimate subdivision lien for "deferred" roadway infrastructure improvements which were the financial obligations of his private client, as discovered in Developer Lot 48A, LLC "***cannot be found***" Planning Department SMA Permit file.

Developer Lot 48A, LLC's concealed Planning Department SMA Permit records are the "***smoking gun***" government records referenced by attorney Matson Kelley in pleadings presented to Honorable Judge Cardoza.<sup>16</sup> Contrary to Corporation Counsel's falsified representations to the United States Bankruptcy Court, the concealed Planning Department records strike to the heart of the Debtor's liabilities to the unpaid Creditors, and the financial condition of the Debtor. (Salem)

---

<sup>14</sup> United States Bankruptcy Court Case No. 14-00878 Dkt #61 – 8/13/14

<sup>15</sup> Rule 3.4. **FAIRNESS TO OPPOSING PARTY AND COUNSEL.** A lawyer shall not: (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value.

<sup>16</sup> Civil No. 09-1-0040(3)

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

*Therefore*, the agreement signed by Mayor Victorino provides conclusive evidence to support a Motion to the Federal Bankruptcy Court under the United States Bankruptcy Code, 18 U.S. Code § 157: Bankruptcy Fraud.

**Mayor Victorino's Signed Agreement exposes Corporation Counsel to Bankruptcy Fraud.**

As the Director of Corporation Counsel, your interference with Mayor Victorino's signed agreement shall be the direct cause for a Motion to Reopen Debtor's Chapter 11 Petition. (Case No.: 14-00878) The Bankruptcy Court has broad discretionary authority to reopen a case "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b).

*For the record*, my wages as an employee with the Office of the Mayor have been garnished by one of the unpaid creditors who lost their security when my family home was foreclosed upon. The illegitimate County induced liens were the direct cause of the foreclosure, and to this day have an ongoing financial stranglehold on my family.

*Therefore*, to remove the ongoing harm to my family, and to allow the damaged Creditors to recover their financial injuries, an Adversary Proceeding shall be filed under Federal Rule of Bankruptcy (FRBP) §7701 to expose Creditor County of Maui and Creditor Developer Lot 48A, LLC's scheme to create fraudulent liens on my family's real property title.

Please be advised, there is further conclusive evidence involving professional consultants and Corporation Counsel attorneys who played a conspiring role in Director Arakawa's concealment scheme which will be filed with the Bankruptcy Judge and the Prosecutor's Office under seal to protect my family.

**Director Lutey has a duty under the Maui County Code to correct the violations.**

In accordance with **Title 18.44 – VIOLATION - PENALTY**, as Director of Corporation Counsel, you have a PRESENT-DAY duty to defend Mayor Victorino's signed agreement by instituting an action against Director Arakawa's client Developer Lot 48A, LLC to correct, fine, and abate their violations of the Maui County Code as follows;

In accordance with Maui County Code Title 18.44.010 – **Violation & Penalty**;

- A. Any person, firm, or Corporation which knowingly violates this title **shall be fined** not more than one thousand dollars. The continuance of any such violation shall be deemed a new violation for each day of such continuance.

In addition, **the County attorney** may institute an action to prevent, restrain, correct, or abate any violation of this title and seek such relief by way of injunction or otherwise, as may be proper under the facts and circumstances of the case, in order to effectuate the purposes of this title.

- B. In any illegal subdivision, the Director may require such improvements as would reasonably comply with the provisions of this title. Such remedial improvements **shall be applicable to the sub divider**, if he may be found, or the owners of the lots in the illegal subdivision at the time of discovery, or both.

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

In accordance with Title 18 of the Maui County Code, the Developer's consultants, including Director Arakawa's land planning firm, had a professional duty to ensure the infrastructure improvements as represented in the conditioned SMA Permit environmental studies were included in the roadway improvement civil engineering drawings. They knowingly failed to do so. The consultants continue to be granted County contracts.

Believing the "**cannot be found**" SMA Permit records would never be found, Director Arakawa's scheme was to shift his client's roadway infrastructure financial obligations into the County of Maui's Phase IV of Lower Honoapiilani Road Capital Improvement Program ("CIP") project. At the very same time, Director Arakawa's land planning firm was the County's paid consultant for the Phase IV CIP project.

*Therefore*, as the "**County attorney**", you have a duty to notice, or seek injunctive relief, to require Developer Lot 48A, LLC to return to their subdivision to complete their environmental and financial obligations as represented in their conditioned SMA Permit.

**Director Lutey's failure to perform her duties under the Charter will be cause for removal.**

The Department of Corporation Counsel had a PAST duty to remove the one-time County of Maui "3 Lot or Less" subdivision deferral agreement clouds from the underlying subdivision property titles immediately upon issuance of the Developer Lot 48A, LLC's conditioned SMA Permit in 2001. Corporation Counsel's failure to keep track of the potentially thousands of developer deferral agreements executed by their staff attorneys was a contributing cause to their negligence.

The Phase IV Lower Honoapiilani Road CIP project is now listed as a priority project in the Maui Metropolitan Planning Organizations ("MPO") Final Report with funding projected in 2020 -2023. Consequently, you have a PRESENT duty to institute an action to ensure that Developer Lot 48A, LLC corrects their violations to safeguard the citizens and taxpayers from incurring Developer Lot 48A, LLC's roadway infrastructure financial obligations.

The Maui County Charter - **Article 9: FINANCIAL PROCEDURES** Section 9-12, states as follows;

- C. If any County officer or employee ... incurs any obligation in violation of the provisions of the Charter, or in violation of the procedures and polices established by ordinance, or takes part therein, that action shall be cause for removal from office.

To avoid even further litigation from the five (5) affected property owners, Corporation Counsel has a PRESENT duty to expunge the illegitimate "3 Lots or Less" County lien that currently slanders the five (5) real property titles. Despite multiple written notices from me as an employee of the Office of the Mayor,<sup>17</sup> you have failed and refused to take the appropriate action to protect the County of Maui from incurring further expense and legal liability.

The prior notices to Corporation Counsel shall be sent to Mayor Victorino with a copy to the County Auditor, the Cost of Government Commission, and the Council Chair of the

---

<sup>17</sup> See Office of the Mayor transmittal and letter issued to Director Moana Lutey dated December 2019.

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

Governance, Ethics, and Transparency Committee. (“GET”) I believe a comprehensive Performance Review of the Department of Corporation Counsel by the Auditor or independent auditing firm, is long overdue.

*Therefore*, I hereby assert my rights to employee whistleblower protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes (“HRS”) Chapter 378-62-378-65, §378-70, and HRS §661-21.

**Corporation Counsel Director Moana Lutey’s conduct is a calling for change in leadership.**

As a self-proclaimed “Dinosaur” litigator employed by the Department of Corporation Counsel since 1999, you have exposed through multiple recent actions your inability to remain neutral, or accept your “client” Mayor Victorino’s decision to settle a case your Department has battled for years.

Your unethical conduct has dishonored Mayor Victorino’s promises to transform Corporation Counsel into a Department which represents community-based leadership. I share Council member Rawlins-Fernandez’s outcry for change.

***“Our community has lost faith in Corporation Counsel and I do not see the change in leadership since Ms. Lutey has become Director.***

***I believe I was voted onto the Council for change and I promised that I would fight for that change.”***

Council Member Keani Rawlins-Fernandez – May 28, 2019

Under ARTICLE 10 - **CODE OF ETHICS** Section 10-1. Declaration of Policy. Elected and appointed (County) officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

Under the Maui County Charter - Article 13, Section 13-13. **Impeachment of Officers:** Appointed or elected officers may be impeached for malfeasance, misfeasance, or nonfeasance in office or violation of the provisions of Article 10.

*Therefore*, a comprehensive Board of Ethics complaint and charges for a verified Petition for Impeachment shall be filed against you in Circuit Court for the 2<sup>nd</sup> Circuit for violating your duties to serve the public interest.

**Director Lutey’s interference with a contractual relationship will cause further litigation.**

I agreed to Mayor Victorino’s offer of employment as an executive assistant of the Office of the Mayor with the stated purpose of establishing a fair and equitable system of assessment and collection of the millions of dollars of developer debts owed through unaccounted for “3 Lots or Less” developer agreements. Also, to apply my extensive professional resume towards streamlining roadway infrastructure Capital Improvement Projects.

My delayed employment in 2019 was intended to allow for the enforcement of Developer Lot 48A, LLL’s unfulfilled conditioned SMA Permit and immediate dispute resolution. Both

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

contractually and verbally, Mayor Victorino promised to provide a clear path towards my peaceful and productive employment.

***"I asked for mediation and mediation is going to happen."***

Mayor Elect Michael P. Victorino – December 2019

Mediation has not happened because in May of 2019, you took it upon yourself to go against Mayor Victorino's directive and refused to present the signed settlement agreement and resolution proposals to the members of the Maui County Council. In a letter to the Chair of the Maui County Council, you alleged there was no consideration provided for settlement and no further litigation. Recent communications, including the notices presented herein, affirms that both of your written claims to the Council Chair were false and misleading.

I just received a copy of an email you sent to staff attorney with the OIP February of 2020 which affirms, as late as March of 2019, that there was in fact ongoing litigation. In good faith, in January of 2019, in detrimental reliance on Mayor Victorino's anticipated performance on the contractual agreement, I terminated the litigation. I also contractually agreed to release the County of Maui from further liability.

Your personal decision to unethically interfere with and obstruct Mayor Victorino's performance on the contractual agreement shall result in further litigation through multiple legal actions describe herein. As my legal counsel with the County of Maui on my official duties, your unethical acts have placed me in a conflicted and hostile work environment which has caused both physical and psychological duress and blocked me from the performance of my job.

For the record, the Chief of Staff of the Office of the Mayor, Director of Personal for the County of Maui, and Manager for the Office of the Mayor, have been continuously noticed of the workplace harassment and duress that has been caused by your unethical leadership as our legal Counsel and representative.

***Therefore***, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes ("HRS") Chapter 378-62-378-65, §378-70, and HRS §661-21.

### **Corporation Counsel has a Pattern of Serving of Private Developers Financial Interests**

The citizen-driven SMA Permit lawsuit at Montana Beach occurred in 2001 during the same time frame as when Developer Lot 48A, LLC's complete file of SMA Permit records were first requested from the County of Maui. At the same time, Director Arakawa left his land planning firm partnership for a politically appointed Deputy position in the Department of Public Works. The question is; Why?

As the record shows, almost immediately after his employment, Deputy Arakawa began signing off on private developers' subdivisions in violation of the Maui County Code. The massive concrete walls staring in the faces of the local families along Palama drive are just one of the unscrupulous monuments of Director Arakawa's agenda to serve private developers' financial interests at the public expense.



Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

Also, in 2001, through my dispute with Developer Lot 48A, LLC on their overlapping subdivision of one of the parent parcels of my “3 Lots or Less” subdivision, I informed West Maui Council Member JoAnne Johnson and Mayor Arakawa that Corporation Counsel and the Department of Public Works were executing an unknown quantity of agreements with private developers that intentional shifted their infrastructure financial obligations onto the taxpayers.

The unethical practice continued on with hundreds more unaccounted for deferral agreements until 2007 when the “deferral” ordinance was repealed by the County Council. As I have just discovered during my performance of my assigned duties by Mayor Victorino, as late as 2009 along South Kihei Road, Director Arakawa and Corporation Counsel continued to grant unlawful, unauthorized overlapping “one time” deferrals to private developers.

*Therefore*, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes (“HRS”) Chapter 378-62-378-65, §378-70, and HRS §661-21.

**Corporation Counsel has a pattern of abuse of power and authority and intimidation tactics.**

Mayor Victorino’s staff includes five former Council Members. When they speak about Corporation Counsel, it is evident that acts of intimidation and strong-arming by your office have taken place to influence legal and legislative decisions. The reopened OIP case from 2017, illuminates how far beyond decency Corporation Counsel conducts their affairs.

As an example, Corporation Counsel filed an intimidating lawsuit against me alleging I was engaging in some fabricated form of “violation of due process” by issuing multiple requests for the SMA Permit records under the Uniform Information Practices Act. (“UIPA”) Your inability to produce a government record to support your “eventually produced” 2nd Circuit Court pleading provides the evidence of the SMA Permit concealment, and justifies the repeating UIPA requests.

*Therefore*, a question for consideration by the members of the Maui County Council; Does Corporation Counsel have the right to spend public funds to file intimidating lawsuits without first obtaining authorization from the members of the Maui County Council? Is this not an abuse of power and Corporation Counsel’s authority?

**Director Lutey’s unethical professional decisions are grounds for resignation or impeachment.**

Corporation Counsel continues to gamble and lose in their baseless defenses of unlawful Director decisions.<sup>18</sup> Tens of millions of dollars of financial injuries to the taxpayers have been the direct result. As an elected Council member, Mayor Victorino witnessed Director Arakawa’s repeating dishonorable acts, and voted on the costly legal settlements. <sup>19</sup>

Mayor Victorino’s bold decision to uphold the laws of Maui County and sign an agreement to hold a private developer accountable for their conditioned SMA Permit occurred

---

<sup>18</sup> Montana Beach - Maui County Council Resolution No. 08-3 – CVO6-00430 ACK KSC

<sup>19</sup> Civil No. 09-1-0245(1) Cabebe V. New Sand Hills, ET AL

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

after hours of meetings and negotiations. Mayor Victorino's motivation was to issue the violation notices to the developer and terminate the longstanding dispute through mediation.

As acting Director of Corporation Counsel, you made a personal decision to withhold Mayor Victorino's signed settlement from your clients, the members of the Maui County Council. By doing so, you were serving the financial interests of a private developer. You proceeded to deceive the members of the Council and the public when questioned on the Mayor's decision to enforce the SMA Permit.

The recent evidence received from the OIP affirms your reasons for withholding Mayor Victorino's signed agreement and resolution proposal were an abuse of power and violation of the Professional Rules adopted by the Supreme Court of the State of Hawai'i. Contrary to your claims, further litigation in multiple Courts of Law will be the likely result of your decision.

In conclusion, from the outset of your appointment as Director of Corporation Counsel, concerns were raised on your ability to see things clearly when you're in the middle of a battle. As a longstanding litigator, can you provide objective neutral advice and avoid influencing your clients on cases you have been fighting for years? After one year in your new Director role, your performance proves you are not qualified for a community-based leadership position.

With that said, I feel it is important to support this belief with a reminder of our meeting in Mayor Victorino's office. As you recall, I offered to engage in the cultural practice of Ho'opononono to help heal our differences and find a common spirit in our public service. Against the wishes of the Mayor and best interests of citizens of Maui County, my sincere offer was rejected with an aggressive and spiteful tone.

**Prayer to Director Lutey to reconcile the harm caused to my family and the community.**

Under the professional attorney rules adopted by the Supreme Court of the State of Hawai'i, I believe the Courts will find you have professional duty to rectify the consequences of your false statement of material fact to the 2<sup>nd</sup> Circuit Court.<sup>20</sup>

As a measure of good faith to prevent further litigation and burden upon Mayor Victorino's administration, the members of the Maui County Council, and my wife and children during these challenging times, I ask you to rewrite the wrongs and facilitate a peaceful resolution by forwarding the Mayor's signed settlement agreement to the members of the Maui County Council for their consideration.<sup>21</sup>

---

<sup>20</sup> **Rule 3.3. CANDOR TOWARD THE TRIBUNAL.** (a) A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal;

(4) offer evidence that the lawyer knows to be false.

If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take remedial measures .. to rectify the consequences.

<sup>21</sup> ***"Well, normally what happens, I don't want to belabor this answer, I will contact the committee and inform them that I have a settlement.***

***I normally do that very quickly, if not the same day..***

Acting Director of Corporation Counsel Moana Lutey – May 2, 2019

Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hi 96761

June 4, 2020

***“You’ve treated everyone with respect and have retained your dignity thru all this and allowed wiggle room for the accused to own up and take back their dignity, but they are too scared...”***

County Clerk Kathy Kaohu to Chris Salem – May 20, 2020

Respectfully; *Christopher Salem*