

# Resolution

No. 26-99

REQUIRING THE COUNTY'S LEGAL COUNSEL  
IN *LEO CAIRES V. COUNTY OF MAUI, ET AL.*,  
CIVIL FILE 2CCV-26-0000138, TO TRANSMIT  
ALL WRITTEN SETTLEMENT OFFERS UNDER  
MAUI COUNTY CODE SECTION 3.16.020

WHEREAS, by Resolution 25-109, CD1, the Council authorized the employment of special counsel Marr Jones & Wang, LLP to represent the County in pre-litigation negotiations and litigation regarding allegations made by Leo Caires, a former County of Maui employee in the Office of the Mayor; and

WHEREAS, at a June 2, 2025, Government Relations, Ethics, and Transparency Committee meeting, the Department of the Corporation Counsel advised that it had multiple conflicts with the matter; and

WHEREAS, on April 24, 2026, a lawsuit was filed in the Circuit Court of the Second Circuit, State of Hawai'i, in *Leo Caires v. County of Maui et al.*, Civil File 2CCV-26-0000138, alleging whistleblower retaliation and wrongful termination; and

WHEREAS, according to a May 2, 2026, *Hawaii Journalism Initiative* article, Mayor Richard T. Bissen, Jr. issued a statement that the County had "firmly rejected" an "excessive monetary demand for settlement" demand by the plaintiff's attorney in April 2025; and

WHEREAS, the Council played no role in considering the settlement offer; and

WHEREAS, the article also reported that a County spokesperson said that some of the lawsuit's allegations were the subject of a pending investigation by the State Attorney General; and

WHEREAS, the Council had not been informed of the investigation; and

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WHEREAS, the lawsuit is based on Mayor Bissen's alleged conduct, creating an appearance of a conflict in his position that appears to be at least as strong as the Corporation Counsel's; and

WHEREAS, under Section 3.16.020, Maui County Code, the Council may "determine and specify from time to time, claims for which all written offers of settlement are to be transmitted to the council by legal counsel"; and

WHEREAS, Section 3.16.020 further provides that, upon adoption of such a resolution, the Council can take appropriate action on the County's behalf in response to settlement offers for a specified case; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the County's legal counsel in *Leo Caires v. County of Maui et al.*, Civil File 2CCV-26-0000138, is required to transmit all written settlement offers to the Council via attorney-client-privileged communication for appropriate action under Section 3.16.020, Maui County Code;
2. That special counsel must send all invoices to the Office of Council Services for review and approval for payment; and
3. That certified copies of this Resolution be transmitted to the Mayor, Corporation Counsel, Director of Finance, Director of Council Services, and Richard M. Rand, Esq, Marr Jones & Wang, LLP.

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'K. [unclear]', written over a horizontal line.

KAUANOE BATANGAN