

GET Committee

From: Lily Lacuesta Gutierrez <lcrisg@aol.com>
Sent: Monday, November 2, 2020 5:54 PM
To: GET Committee
Subject: Keep Attorney Don Guzman in his current position

Dear Mr. Molina and Maui County Council,

Please support Attorney Don Guzman. We support him because he is honest, open minded and a good man. We feel he can back up the public and keep our community safe. His track record shows it. Please keep him in the current position as Deputy Prosecutor.

Thank you,
Cris and Lily Gutierrez
44 Luna Place, Paia HI 96779
(808) 579-9572

Sent from my iPhone

GET Committee

From: Zora Bulatovic <zbulatovic@hotmail.com>
Sent: Monday, November 2, 2020 9:28 PM
To: GET Committee
Subject: RE:Don Guzman Support letter

To councilman Mike Molina ,chair of government affairs

This is a letter in Support of Don Guzman. I have known Don professionally and personally for over 15 years. He is a honest person , hard working and fighting for what is right.

We need to fight to have a safe environment for our family especially our kids . We need to have a law enforcement department with integrity and credibility.

Thank you for your consideration and time.

Dr Zora Bulatovic
Cellphone (808) 205-8879.

GET Committee

From: eric delacruz <kruuzzr@gmail.com>
Sent: Tuesday, November 3, 2020 2:30 AM
To: GET Committee
Subject: Mr Don Guzman

Aloha from Oregon,
My friend Don is a wonderful PA. I have known him since the 90's. We have golfed together. Let him keep his job. Whats not broken don't fix it. Let him do his job.

Mahalo,
Eric Dela Cruz
PS.
Don for Mayor

GET Committee

From: rjnaeole@aol.com
Sent: Tuesday, November 3, 2020 3:03 PM
To: GET Committee
Subject: Testimony in favor of Don Guzman

To the Maui Council Members,

I am asking that the Maui County Council, not allowing the Mayor the opportunity to fire Don Guzman from his position.

I have known him for almost fifteen years and we consider Don and his family as our Ohana. We have supported him from the time he became a Council Member and even when he tried becoming the Mayor on Maui.

It would be a huge mistake to lose someone who is honest, fair, and also works diligently for everyone.

Although sometimes there are differences and sometimes voices are raised but there are other better solutions getting rid of someone

Sometimes we forget that we are only human and make mistakes at times and hopefully not repeating them.

As for signing a resignation document is like signing your death sentence. I have never heard of it until now.

Once again I ask the Maui Council Members to let Don Guzman continue his job as Prosecuting Attorney of Maui County.

Sincerely Yours,
John B Naeole
Makawao, Hawaii 96768

GET Committee

From: Jocelyn Cruz <jocelyn_crz@yahoo.com>
Sent: Tuesday, November 3, 2020 9:39 PM
To: GET Committee
Subject: Maui Council G.E.T. Committee Agenda Item - 1(3) Thursday, November 5th at 9:00 am

To whom it may concern:

I would like to give testimony to Don Guzman's good character. I believe him to be honest, kind, caring, compassionate and very respectful to others. In general, I find him to be a very good guy!

Sincerely,
Michael A. San Juan
Citizen and registered voter

GET Committee

From: Rebecca Godfrey <beccag4557@gmail.com>
Sent: Tuesday, November 3, 2020 11:02 PM
To: GET Committee
Subject: I support Don Guzman

Dear Members of the Maui County Council,

I am writing to you in support of Don Guzman. I have known Don for almost 25 years and I can say during that period of time, I have gotten to know him well. I have supported him from the beginning when he ran for the Maui County Council because I believed Don had the intelligence, passion and character to do a tremendous job as a public servant for our community. In addition to these attributes, Don has always shown to be polite, humble, respectful, helpful and caring. If he did not exhibit these qualities, he never would have gotten the support he did from all the people who supported him, and there were many of us.

In all the years I have known Don, I have never seen him argue back, even confronted. He always shown a caring and gentle side for people and tried to do what is right. I always saw Don as one of the genuine and down to earth persons one could meet, always willing to help others.

According to the articles on Maui News, Don has started a lot of projects as Head Prosecutor. We, the people of Maui, request that you as our elected officials allow him to continue those good works for the County of Maui. Please do not let politics stand in the way of a good man trying to do good work. Thank you.

Respectfully,
Rebecca Godfrey

GET Committee

From: Amy Stephens <rainbowcountrymaui@gmail.com>
Sent: Tuesday, November 3, 2020 11:23 PM
To: GET Committee
Subject: Testimony in support of Don Guzman for the Maui County Council 11/5/20 Agenda 1(3)

Aloha Maui County Council,

Please stand by Don Guzman and vote for him to remain Prosecuting Attorney. Don is a good man with a history of service to Maui County. Mayor Victorino's actions are an abuse of power, seem politically motivated, and are not in the best interest of Maui County. Please do the right thing for Maui and vote for Don Guzman to remain the Prosecuting Attorney.

Mahalo for your time,

Amy Stephens

Napili

GET Committee

From: mtasaki <mtasaki@hawaii.rr.com>
Sent: Wednesday, November 4, 2020 5:32 AM
To: GET Committee
Subject: fon guzman

This is a letter in support of Don Guzman. I have known him for 15 years. He is a man of integrity, conviction and basically does what is right. As the prosecutor, he has a duty to go after criminals that need to be prosecuted. Likewise, he understands what cases are not prosecutable. As a physician, I understand the importance of social isolation in cases of coronavirus positive coworkers. Temporarily shutting down the prosecutors office with one of the employees testing positive was absolutely necessary. Please do not hesitate to call me for any questions concerning Don.

Mitchell Tasaki
8082428877

Sent from my Verizon, Samsung Galaxy smartphone

GET Committee

From: Mike J. Molina
Sent: Wednesday, November 4, 2020 12:16 PM
To: GET Committee
Subject: FW: Support

From: Robert Rivera <Robert.Rivera@co.maui.hi.us>
Sent: Wednesday, November 04, 2020 12:09 PM
To: Mike J. Molina <Mike.Molina@mauicounty.us>
Subject: Fwd: Support

Hi Mike,

This just came in today. I will be forwarding these emails addressing the Mayor's proposed resolution involving Don. Thank you.

>>> Prosecuting Attorney 11/4/2020 11:49 AM >>>

>>> christina chang <christina@lokelaniohana.org> 11/2/2020 9:35 PM >>>

Aloha Don Guzman,

You have my full support to remain our prosecuting attorney. Thank you for all of the work that you've done while in office and we look forward to your continued service.

We're sorry you're going through this unfortunate attempt to remove you from the office by our mayor, but we're sure you'll be successful through our council vote, to remain our county prosecutor.

Thank you so much,
Christina Chang

Sent from my iPhone

GET Committee

From: Lou Furst <Loufurst@live.com>
Sent: Sunday, November 1, 2020 10:51 AM
To: GET Committee
Subject: Governance, Ethics, and Transparency Committee Meeting - November 5, 2020
Attachments: Letter - County of Maui - Michael Molina 11-1-20.doc

Aloha Council Chair Molina,

Attached is my letter to you regarding my position towards Prosecuting Attorney Donald Guzman.

I am confident that you will find this information helpful.

Mahalo.....Lou Furst

Louis K. Furst

P O Box 276 Kahului, HI 96733-6776

November 1, 2020

County of Maui
54 S. High St.,
Wailuku, HI 96793
Governance, Ethics, and Transparency Committee
Michael J. Moline, Chair

Aloha Committee Chair Molina,

The purpose of this letter is to express my unequivocal support for the County of Maui's Prosecuting Attorney, Don Guzman.

I have known Don since 2006. My experiences with him have always been positive, his displaying a professional, compassionate demeanor, striving to address and resolve issues important to Maui County and its people in a fair and lawful manner.

A portion of the Mission Statement of the Prosecuting Attorney is "to seek justice through competent leadership and integrity..." As Prosecuting Attorney, Don Guzman continues to achieve this goal due to his knowledge of the law and his integrity. This has resulted in the exemplary performance of his duties.

Additionally, Don Guzman previously served Maui County in other public positions in an outstanding manner, again to the benefit of Maui County and its people.

During these turbulent times, I remain confident that you, as Chair, will conduct a comprehensive meeting on November 5th, regarding Don Guzman, so that the County of Maui can continue to adhere to its Mission Statement that includes service to the community with integrity, competence, and in a lawful manner.

Sincerely,

Lou Furst

Lou Furst

GET Committee

From: 6thfloorspecialty <6thfloorspecialty@mauimedical.com>
Sent: Monday, November 2, 2020 4:52 PM
To: GET Committee
Cc: gpowellmd85@gmail.com
Subject: Testimony FOR Don Guzman
Attachments: [Untitled].pdf

November 2, 2020

RE: Donald Guzman
Maui County Prosecutor

Maui County Council
County of Maui
Wailuku

Dear Council Members,

I have known Don Guzman for about two decades. He is a man of great character and honesty. He always tries to work faithfully for the good of the people of Maui without favoritism. We are on the other side of the fence politically, but I have always considered him a very good political neighbor. I have never questioned his integrity or honor. In his current role as prosecutor, he has shown fidelity to the law and great compassion toward the people. I believe he is doing a fine job. I would like to see him complete his full term. I believe he has earned your confidence and support. Thank you for your consideration.

Sincerely,



George E Powell MD
Neurology

GET Committee

From: Elizabeth Cuccia <liz@wlchi.com>
Sent: Monday, November 2, 2020 5:28 PM
To: GET Committee
Subject: Maui Council G.E.T. Committee Agenda Item - 1(3) Thursday, November 5th at 9:00 am

Aloha all,

I would like to give this committee what I believe is some pertinent information concerning Mr. Guzman and the reason the mayor is asking for his removal.

As the vice president of Maui County Bar Association I was involved in helping get information out to the legal community concerning COVID and positive cases at the judiciary and also fielding questions and concerns from our members re: the outbreak.

When there were positive cases announced in the judiciary the legal community was obviously very concerned. Especially because there were rumors circulating about an outbreak at the prosecutor's office but no one was giving us any information. This made a lot of attorneys very upset. We were left in the dark and no one knew if the prosecutor they just were standing next to was possibly exposed or what the extend of the outbreak was.

The handling of the outbreak at the prosecutor's office was handled in the exact opposite way than how the judiciary handled it. The judiciary was as open as they could be without violating HIPPA and other HR concerns and worked with MCBA, the Public Defenders, the Prosecutors Office and the Sheriff's Office to let attorneys with possible exposure know and get them tested. Because of this stark difference people were really upset with the prosecutor's office, myself included.

I assumed wrongly that this was a decision made by Mr. Guzman and contacted one of the other ranking deputies to let them know it was not ok and that not only were members of the defense bar upset but other prosecutors as well. That's when I learned that it was actually the mayor that directed him to keep it quiet. This was then verified by another DPA. In an email chain concerning the judiciary COVID cases I did say something along the lines of congratulating the judiciary for their handling of the positive case and saying it was a shame the prosecutor's office didn't do the same thing. It's my understanding this comment upset Don because he wanted to handle the positive cases differently but he wasn't allowed to. These things were told to me way before this whole thing with trying to remove Don and I have no reason to doubt their authenticity. The person telling me that would have nothing to gain by giving me that information way back in early September.

I would also like to say that if it is true the mayor demanded that all quarantine violation cases be prosecuted to the fullest extent then that shows a complete lack of understanding of the job of the prosecutor. A prosecutor's job is different from any other attorney's job. They aren't (or shouldn't) be all about winning. Their job is to seek justice. When I started at the prosecutor's office that was the first thing my supervisor told me and it's something that I took very much to heart as do most of the attorneys in that office.

I can also add that around the time of the outbreaks at the judiciary and the prosecutor's office I was in contact with the doctor originally contracted to do the rapid testing for the county. Those tests were abruptly cancelled and when I called the doctor to find out why he gave some information about the tests but what really stuck out to me was that he described Mayor Victorino as a bully who called and berated him over zoom and that the doctor was scared of the mayor. A citizen of this county should not be scared of the mayor especially a front line worker! That is no way to treat someone putting their health and safety on the line for us even if you aren't happy with the tests for whatever

reason. But I bring that up because it does in a way back up what Don was saying about the mayor being a bully and demanding he pre-sign a resignation letter so he could hold that over his head.

Thank you for taking the time to read this and I hope that you have found some of the information useful. If you have any other questions please let me know.

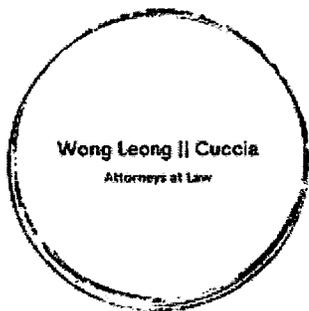
Thank you,

Elizabeth

Elizabeth S. Cuccia, Esq.
Wong Leong || Cuccia
24 N. Church Street, Suite 201
Wailuku, Hawaii 96793
Phone: (808) 727-2150

Website: wlchi.com

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GET Committee

From: Rebecca Godfrey <beccag4557@gmail.com>
Sent: Tuesday, November 3, 2020 10:21 PM
To: GET Committee
Subject: I support Don Guzman
Attachments: IMG_3813.jpg

Dear Members of the Maui County Council,

I am writing to you in full support of Don Guzman. I have known Don for almost 25 years and I can say during that period of time, I have gotten to know him well. I have supported him from the very beginning when he ran for the Maui County Council because I believed Don had the intelligence, passion and character to do a tremendous job as a public servant for our community. In addition to these attributes, Don has always shown to be polite, humble, respectful, helpful and caring. If he did not exhibit these qualities, he never would have gotten the support he did from all the people who supported him, and there were many of us.

In all the years I have known Don, I have never seen him argue back, even when confronted. He always showed a caring and gentle side for the people and tried to do what is right. I always saw Don as one of the most genuine and down to earth persons one could meet, always willing to help others.

According to the article on Maui News, Don has started a lot of projects as Head Prosecutor. We, the people of Maui, request that you as our elected officials allow him to continue those good works for the County of Maui. Please do not let politics stand in the way of a good man trying to do good work. Thank you.

Respectfully,
Rebecca Godfrey

GET Committee

From: John and Christel Blumer-Buell <blubu@hawaii.rr.com>
Sent: Wednesday, November 4, 2020 10:21 AM
To: GET Committee
Cc: Maui_County_Council_mailbox; Mayors.Office@co.maui.hi.us;
don.guzman@mauicounty.us; lfujimoto@mauinews.com
Subject: Public Testimony for GET Committee November 5, 2020. Please confirm receipt.
Mahalo!
Attachments: November 4, 2020, Council Governance Committee.pdf

JOHN BLUMER-BUELL

P.O. Box 878, Hana, Hawai'i, 96713

Email blubu@hawaii.rr.com Phone 248-8972

November 4, 2020 (Testimony for November 5, 2020)

Maui County Council Governance, Ethics and Transparency Committee,
Mike Molina Chair

Sent Via Email GET.Committee@mauicounty.us

Please Confirm Receipt. Mahalo!

**Subject; Public Testimony for Agenda Item - 1(3), November 5, 2020,
Committee Meeting, "Removal of Prosecuting Attorney Don Guzman".**

Aloha Chair Molina and Committee Members,

Maui prosecuting Attorney Don Guzman is innocent of all the heresy allegations brought forward in the Maui News by Mayor Victorino unless the mayor can prove his allegations break the law beyond a reasonable doubt.

Mayor Victorino is innocent of all "defense" allegations by Prosecuting Attorney Guzman unless the allegations published in the Maui News break the law beyond a reasonable doubt.

Please FULLY investigate this entire situation in public, not in "Executive Session". Respectfully, you are the "Ethics and Transparency Committee". This situation has already undermined confidence in Maui County Government. Please hold our government officials accountable.

I am fed up with all the "back room deals", false allegations, dishonest-destructive politics and coverups.....

Malama Pono,

John (Blumer-Buell)

GET Committee

From: alawha <alawha@justice.com>
Sent: Wednesday, November 4, 2020 9:48 AM
To: GET Committee
Subject: Council GET Committee Agenda item 1(3)

Please accept this as testimony to the County Council regarding Don Guzman to support his being removed from office as department head of the Prosecuting Attorney's office. I am writing anonymously in spite of being told there are measures in place against retaliation. I do not trust Mr. Guzman, or the system in place to provide protection against any kind of retaliation no matter how small. Be that as it may, the community and County Council should know exactly what has gone on in this office since he was appointed by the Mayor and the County Council. From day one, it was abundantly clear Don Guzman's objective was to further his political agenda and use the Office of the Prosecuting Attorney as a stepping stone to better his chances at a second time mayoral candidate. This is not only disgusting to me, but a complete disservice to the community and victims of crimes. This office is a vital part of keeping our community safe, and to treat it as a political platform is selfish and shameful. It is using victims as pawns and furthering their trauma.

The allegations against Don Guzman are completely 100% founded. His temper gets the best of him on most occasions when he feels insecure in his knowledge, or when someone disagrees with his position. Most notably was during a meeting with the chiefs of police and supervisors within MPD and the prosecutor's office. Don Guzman yelled at Robert Rivera when Mr. Rivera corrected him when Don was speaking incorrectly. This enraged Mr. Guzman to which he slammed his hands on the table in front of the highest placed people at the police department, and yelled at Mr. Rivera and told Robert he is not to interrupt him because Don is Robert's boss. Another incident was during a meeting with two employees which employee A filed a grievance against employee B. Employee A had the support of her supervisor who also supervised employee B. Don Guzman called a meeting with employee A and B and their supervisor. When employee B felt uncomfortable that her supervisor, who is supporting employee A, is present at the meeting and voiced her concern to Don, Don raised his voice and said the supervisor will stay. When employee B then expressed her concern not having a union rep or someone to support her present at the meeting, Don Guzman yelled at her again and said employee B could not have representation.

The last incident relates to the allegations brought against him today. While I was not privy to the meeting he had with the deputy he "raised his voice" (to quote his Maui News article) at, I was privy to the office-wide email that was the impetus of Don Guzman's upcoming hearing. The deputy who filed this grievance against Don Guzman responded to an office-wide email Don Guzman sent out to our office regarding an employee who had tested positive for COVID-19. This email cautioned people not to panic. The deputy prosecutor responded to all, simply asking for more information because she was concerned if she had been exposed to the unnamed employee who had COVID-19, she was worried she would be exposing her family when she returned home from work. Don Guzman replies to the entire office by chastising her and reprimanding her for sending an office wide email, and that she is no longer permitted to send office wide emails unless she has permission from her supervisor. This was ridiculous and disrespectful. He was treating her like a child. Not like a lawyer or an adult. Additionally, it was clear he was upset with the Mayor since he added if she or any of us didn't like the way he was handling the pandemic, we should voice our concerns to the Mayor. Therefore, we all had invitations to complain about him, and I guess at least one employee took his suggestion. Good for her. His office wide response to her email was incredibly inappropriate, unprofessional, and shameful. In fact, I was embarrassed that the Prosecuting Attorney for the County of Maui, handled it in this way. All of us were dumbfounded at his response.

To further his inappropriate actions, he purposefully gave a lengthy interview to the Maui News which he then used to text message each deputy prosecutor and attached the article "to have a better understanding as to what is going on with me" and asked us to provide "positive testimony" on his behalf. I received this text message on Sunday afternoon. I was floored. The audacity this man has is boundless. Many of my co-workers reached out to me asking if I received his text. We shared his message with each other and each of us thought how pathetic, and shameful it was. We agreed Don was acting like a disgusting politician. A politician who has NO BUSINESS running a prosecutor's office. Additionally, we noticed in his text message to those who were married with children, that he wished the employee and their family well. However, those of us who are not married or have children did not receive the same text. Evidently people who are not married or have children do not have families worth wishing well.

After reading the article, it was absolutely clear once again, he is trying to further his political agenda, and slam the Mayor while doing so. His statements to the Maui News thwarted responsibility for his actions, and minimized his behavior. EXACTLY what defendant's do when they are being sentenced in court. They fail to take responsibility and

place blame on others. Don Guzman is behaving precisely like those defendant's he prosecutes. But to say he prosecute's gives him credit. He does not prosecute anyone. He knows nothing about prosecution or what our jobs entail. He glossed over what he is being accused of and instead attempted to shift blame on the Mayor and muddy the waters to distract everyone from the real reason he is before the County Council.

Each of you should know the atmosphere in our office from day one. Don Guzman's first order of business was creating interoffice "committees" comprised of deputy prosecutors, to either inspect our budget, create audio/visual PSA's to try and prevent negative media coverage and encourage public relations, and to recruit new employees. These tasks are completely out of our realm of job duties, and have nothing to do with prosecuting crime. Do you think the people of Maui would appreciate knowing their tax dollars are being used to "sign wave" and sit as guests on radio shows, or create videos for PSA's, instead of doing our jobs?? I personally was told to attend three different "committee" meetings entitled "Business Committee," "Recruitment Committee," and "Community Outreach Committee." I was told I was a member without being asked. Nor was I asked if my caseload allowed for this extra work. It was clear this man had no idea what I did for a living, nor did he care. I am a deputy prosecutor handling extremely sensitive and serious criminal cases that result in substantial jail sentences. I do not have time to appear on tv or radio shows to promote our office. We are a law enforcement agency, and as such, most of what we do is confidential. We do not need to promote our office. We do not need to solicit business. Criminals tend to find us very easily. Therefore, it was obvious this was Don Guzman's way to gather a list of work he has done so he could provide this list of "achievements" when he ran for Mayor again. He wants to say, "look at what I did."

At the Business Committee meeting, six other deputy prosecutors were told to attend, and before Don Guzman showed up for this meeting, we were all completely lost. An hour out of our busy day for what? No one knew what it was about, or why we were asked to be there. I took notes because I wanted to inform my supervisors what was said during these meetings. Don Guzman started out by saying he "wants to take a holistic approach in this department, so we need a business department. The Mayor's office has one, so we will mimic the Mayor's office." A business department? We are not a "business" nor are we the Mayor's office. He also said he wants to create a "public relations committee to address the media and create press releases." Why? To show the public what HE does? That said, I can't tell you what he does, since I can only tell you what he doesn't do, which is prosecute crimes. Because he doesn't know how to. In this meeting he specifically said, "In my mind this department is like a civil law firm." That was when I decided to no longer take this man seriously. He was my new boss for maybe three weeks, and I already lost all respect for him. We are the complete opposite of a civil law firm, but no one can understand this, unless you have worked at a prosecutors office. I was floored at the ideas he was suggesting, and even before I sat down in this meeting, I immediately questioned whether he understood what this department does. I knew he had zero experience as a seasoned prosecutor, and in fact, he admitted to me that he left the department after a few years because he "could not handle domestic violence jury trials." Can't handle misdemeanor jury trials??? Why are you here as a department head now?? I assume he meant they were stressful and difficult. In the law enforcement world of criminal prosecution, we have names for people who can't handle jury trials. They're called "civil attorney's" or more accurately, "cowards." Don Guzman is not, and has never been a successful prosecuting attorney. I spoke with many police officers who worked with Don Guzman during his short time as a deputy, who still to this day remember how inept he was and were shocked this is the guy who will be running our office.

All of this affects me greatly because I am passionate about my job, and prefer to respect the person running my office since he should have the most knowledge about how to do my job. I can not respect my boss when I cannot go to him with complex legal criminal questions. I know he knows absolutely nothing about criminal law, or how to successfully enforce the law, or prosecute cases. Almost every single one of the deputy's in this office has more experience than him, and his approach to treating this department like a civil firm was the last straw with me. I immediately went to my supervisor and informed him of this "business committee" and explained I will not assist in Don's political agenda, and will continue to do my job as I was hired to do. I will not be used a political pawn to further Don's political career. Obviously Don intended to use us and this department, to help him in a more successful run at campaigning for Mayor in the future.

My last few points go to suspicious purchases like pens and t-shirts with the department logo printed on them. He had purchased boxes of pens that he would hand out when attending different media events. He also purchased t-shirts for all employees participating in a fund raiser for the 41st Annual Charity Walk by the Hawaii Visitor Industry. Which also begs the question: Why aren't we supporting charity's directly related to helping victims of crimes? Instead we're out there walking for an event put on by the Hawaii Visitor Industry?? He has also purchased bentos for a number of office events for the entire office. Most notably, he sent us all proposed photos of the remodel of our office's basement conference room that notoriously floods every year. How is he paying for these things? Where is this money coming from? Our budget? His own pocket? It is all very inappropriate and suspicious to me. But how do I bring this up? To who? And will I get reprimanded for expressing my concerns? So I kept quiet. Until now. And although I still choose to remain anonymous, I want to make it known what has been happening in his short 18 months as the department head. I am embarrassed of this person, and that he was my boss. It makes Maui County look like they don't care about law

enforcement or victims of crimes when they allow someone like Don Guzman to be the department head. He is not equipped, nor has the knowledge to run this office. He knows nothing about how to prosecute crimes and is totally unfamiliar with criminal laws. If it weren't for Rob Rivera and Andrew Martin, this office would have imploded. Actually, I for one, would have quit if either of those two left the office.

I have experienced and heard enough about this man that he should not be in any position of authority ever again. Let alone run an office he knows nothing about. He should be investigated for campaign spending fraud, since I am suspicious as to how the pens, t-shirts, conference room, and bentos were being paid for. I hope this teaches the County Council and the Mayor a lesson in not choosing one of their own to head a department he is completely inept to run. Which is why I voted YES for the charter amendment on the Managing Director duties, after this debacle. I do not trust the County Council or the Mayor to choose the right person. JD Kim was chastised for many things that don't come close to the allegations against Don Guzman. Yet Don Guzman was a better choice??? At least JD Kim was highly knowledgeable on how to prosecute crimes, which should be the first criteria met when selecting a prosecuting attorney. Shame on all of you.

Find a local lawyer and free legal information at FindLaw.com.

GET Committee

From: Josie Wadman <jigwadman@yahoo.com>
Sent: Wednesday, November 4, 2020 10:47 AM
To: GET Committee
Subject: Fw: Guzman Letter Maui County Council
Attachments: 2020Don Guzman Letter for Maui County Council.docx

Testimony Letter in support of Don Guzman. Thank you.
Josephine I Wadman, MD

Dear Maui County Council,

I have known Don Guzman his whole life. I am his sister and no one other than our parents know him better than I. Don has always had a kind heart. Even as a child he was constantly looking for ways to do nice things for others. I think it was because as children we were raised by parents and grandparents who worked in public service and believed in putting others before yourself. This is Don, and it is genuine.

Don is also a man of great faith. He is not perfect, but no one is. We all try to do our best to live a life of goodness under God's good graces. The Don that I know from the time we were kids to now, is a person that is patient, humble and soft spoken. He is jovial and has always had a knack of making people feel at ease. Of course, my brother can be passionate about things- but who doesn't enter a life of public service or politics that doesn't give their all in what they believe in. People who have had the pleasure of getting to know Don whether it is for a problem they are struggling with or a project they want done, know that if you have Don on your side, he will never let you down.

Don is a person of strong character and a positive attitude who cares very deeply about his family, his friends and his community. Over the many years, he has done a lot for Maui. While on the Maui County Council, he was known to be fair and open-minded about things, using his knowledge of the law to help pass legislation. He also served as a mentor for many of the youth, as can be seen by his popularity by Maui's young people. I hope you will strongly consider his many years of valuable and unwaivering service to the people of Maui and vote to allow Don to continue to serve as Maui County's Head of the Prosecutor's Office. He deserves a chance and the people of Maui deserve someone like Don.

Sincerely yours,

Josephine I Guzman-Wadman, MD

GET Committee

From: Daniel Mottola <grahammaui@yahoo.com>
Sent: Wednesday, November 4, 2020 10:23 AM
To: GET Committee
Subject: Graham Mottola 11/5/2020 9:00 a.m. testimony Re: Removal of Donald Guzman
Attachments: CCF_000323.pdf

It is **very** important to read the second page of this letter carefully.

Graham Daniel Mottola
Attorney-at-Law

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November 4, 2020

Sent via email only to get.committee@mauicounty.us & <http://mauicounty.us/ecomment/>

Michael Molina, Chair
Governance, Ethics, and Transparency Committee
County of Maui, State of Hawai'i

Re: Removal of Donald Setias Guzman, Esq. from the Position of Maui County Prosecutor

Dear Chair Molina, I offer the following testimony:

I started working on Maui as the first Law Clerk for the Honorable Shackley F. Raffetto (Ret.) between 1994-1995. I worked for the Law Firm of Lowenthal & August, as an Associate Attorney between 1995-2000, and then formed by own solo practice in the area of criminal defense in 2000.

I first met Donald Guzman when he worked as a Deputy Prosecuting Attorney for the County of Maui, when I represented a client charged with driving under the influence. Don understood well his role as a Deputy Prosecuting Attorney and was industrious and knowledgeable in the area of criminal case law and procedure and had the ability to write well. I remember a case, dating back to 2002, where we were both facing a *per diem* Judge and based upon the sworn statement contained in the police report, at the hearing, I was able get the police officer to repeat his sworn statement on the stand, which resulted in the oral granting of the motion to suppress evidence, with a request by the *per diem* Judge for a proposed written order to be submitted by both Don and myself. Don did an excellent job of preparing his proposed Findings of Fact, Conclusions of Law and Order. The Judge adopted every word in every paragraph submitted by Don except one, so while the motion to suppress was granted, it was a hollow victory, that resulted in a conviction for the driving under the influence charge.

Donald Guzman has always impressed me with his knowledge of criminal case law and procedure and is friendly and approachable. I believe the Office of the Prosecuting Attorney is, by its very nature, a political job and Donald Guzman is extremely well qualified to perform the job as the Prosecutor for the County of Maui, via both by his knowledge of criminal law from his prior experience working at the Prosecutor's Office and because of his years of service on the Maui County Council, as a politician. We have not had a Prosecutor that possessed both the experience as a Politian and having worked at the Office of the Prosecuting Attorney, as a Deputy Prosecuting Attorney. Donald Guzman can relate to the needs of new deputy attorney hires and of those deserving of promotions, as well as the politics of the complete office, including the important role the support staff plays in the organization of Office of the Prosecuting Attorney.

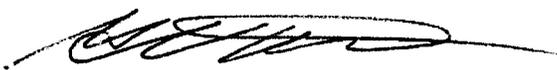
Under the Maui County Charter, the Prosecuting Attorney may be removed by the mayor with the approval of the County Council. It is my understanding that the mayor of Maui County is seeking the approval of the Maui County Council to remove Donald Guzman as the Prosecutor for Maui County.

It is my understanding that a week after Donald Guzman's appointment was confirmed by the County Council, Mayor Mike Victorino wished Donald Guzman to sign a resignation letter with the date left blank. Such a request by Mayor Mike Victorino would circumvent the County Charter, usurping Maui County council's charter authority (obligation) to approve a decision as to whether or not to remove the Prosecutor for the County of Maui the final decision causing the checks and balances to be ignored and denying the council its authority and power. Mayor Mike Victorino must be questioned if he understood at the time he asked Donald Guzman to sign a resignation letter with the date left blank if he understood it was a violation of the 2016 amendment to the County Charter, as such a pre-signed resignation letter would be contrary to the 2016 County Charter's Amendment to institute checks and balances of power.

Mayor Mike Victorino used his emergency powers and imposed a quarantine on all residents of Maui County and chose to employ a full misdemeanor as the penalty for anyone that violated the law the Mayor chose, even if the person was at a public beach, alone in a beach chair, with no one else within six or more feet from them. I understand police issued over 1,000 citations for the violation of Mayor Mike Victorino's public health emergency rule. Due to Covid-19, the Second Circuit Court (here in Wailuku) delayed any jury trials for several months and currently has a major backlog of pending jury trials. Had Donald Guzman, in his role as Prosecuting Attorney not chosen to amend most cases to a local Maui County Code violation with a fine, the Second Judicial Circuit would have at least 1,000 additional jury trials to deal with, which would have been an untenable situation. The Hawai'i State legislature amended Driving Under the Influence penalties (H.R.S. Section 291-4, effective August 1, 1991), to reduce the penalty so no jury trial requests were possible, because every attorney on behalf of their defendant clients began to demand jury trials, which no judicial circuit could handle. Prosecutor Donald Guzman was well aware of this history and dealt with the matter properly. No judicial circuit and certainly not the Second Judicial Circuit with only four Courtrooms could accommodate a 1,000 case increase in the amount of jury trial requests or all defendants charged with serious felonies, as well as the quarantine misdemeanor would have their cases dismissed for failure to comply with Rule 48 of the Rules of Penal Procedure, often referred to as "speedy trial."

Finally, and perhaps the most troubling, it is also my understanding that Mayor Mike Victorino ordered that Robert Rivera serve as the First Deputy Prosecuting Attorney, even though the Maui County Charter assigns the duty to the Prosecuting Attorney, to appoint all deputy prosecuting attorneys. Soon after becoming mayor, Mike Victorino became aware that while Robert Rivera was a deputy prosecuting attorney, Robert Rivera chose to take a vehicle from police impound and use it for his own personal use, presumably believing no one would notice when the vehicle's owner was sent to prison and without having any intention of reimbursing anyone for the personal use of that vehicle for the years he used it, until he was caught and the matter was referred to Mayor Mike Victorino for a decision about how to handle the matter. This means, Mayor Mike Victorino has something over on Robert Rivera and also calls into question the propriety of Mayor Mike Victorino choosing Robert Rivera as the First Deputy, which would leave him as the acting Prosecuting Attorney, should Mayor Mike Victorino succeed in his agenda. It is also unfair to Robert Rivera, because as serving as the Acting Prosecutor, Robert Rivera would be under the thumb of Mayor Mike Victorino. The Governance, Ethics, and Transparency Committee of the County Council should look into this situation, as it appears to be improper and questionable.

Sincerely,



Graham Daniel Mottola

GET Committee

From: Lisa darcy <dimsumnyc@aol.com>
Sent: Wednesday, November 4, 2020 11:44 AM
To: GET Committee
Subject: Testimony for Don Guzman
Attachments: Guzman support letter.pdf

Aloha GET Committee,

Please accept this testimony for Don Guzman. These are significant and difficult decisions and your willingness to listen and integrate all community members experience are what make our community safe and hopeful.

With respect,
Lisa Seikai Darcy
Makawao, HI

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PO Box 1105
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Dimsumnyc@aol.com

Aloha Chair and GET Committee:

November 4, 2020

I'm writing in support of Don Guzman.

I first met Don about 15 years ago while connecting the council with the multifaceted complex issues surrounding those struggling with serious and persistent mental health needs. His willingness to dive into deep, complicated issues impressed me as someone who could address the needs with professionalism and respect. Don's vision helped correct the inefficiencies in a system where people who did not have an opportunity to educate those in positions of power to make healthy systemic change. This is no small feat, both personally and professionally because to listen to the significant issues meant to take responsibility for the scope of the problems, created by those whom you followed. This takes immense courage and he was always respectful and diligently listened to concerns. Don never raised his voice or acted inappropriately with our group. Unlike Mayor Victorino who actually became so agitated by my testimony order had to be called in the council chambers to calm him down. It left me shaken for weeks and fearful to approach the county council going forward.

The story in the Maui News describes Don making improvements in the Prosecutor's Office. This came to me as no surprise, because Don has always been known as a problem-solver and finds a way to work with diverse people with opposing positions to find common ground which mutually benefits all the parties putting differences aside and working on focused goals. He loves to work on creating programs and projects to help communities. He has applied the same community enthusiasm and problem-solving at the Prosecutor's Office, finding innovative ways to create programs and projects to assist our community in the realm of public safety, education for crime prevention and victim support. Don is the kind of person who fixes problems that others ignore.

As the boots-on-the-ground interpreter for those living unsheltered and unhoused in Kahului, I see first-hand the intensity of need which has not only gone unmet and ignored, but is continually complicated and put some many residents in direct harms way under the restraints of the pandemic. Mayor Victorino has made unilateral decisions which harass and do not equally benefit the Citizens of Maui. The Mayor requiring Directors and Deputy Directors to execute pre-signed and undated resignation letters is completely unconscionable conduct and a form of intimidation. I have personally experienced this with the policy to move, shuffle and cite those with no safe living options. The threat is real and I have clear documentation. I hope this council utilizes their authority in the charter to initiate an investigation regarding these pre-signed resignations and compel Mayor Victorino to revoke and destroy such documents that are counter to the intent of the charter. Our government should not be run like a

dictatorship! It's about working the communities interest not the will of the Mayor's interests.

I'm grateful one of the more recent Council's saw a need to have Council oversee hiring and firing of Department Heads. I support Don Guzman remaining as Prosecutor for Maui County.

Sincerely,

Lisa Darcy

Makawao