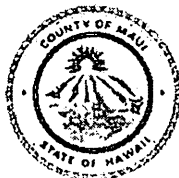


RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
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October 9, 2025

Via email only at county.clerk@mauicounty.us
Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

SUBJECT: Litigation Matter – Settlement Authorization
AISSA NISHIYAMA V. COUNTY OF MAUI POLICE
DEPARTMENT, ET AL.; CIVIL 2CCV-23-0000346

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF AISSA NISHIYAMA V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL 2CCV-23-0000346." The purpose of the proposed resolution is to discuss settlement options regarding the above-referenced lawsuit.

I request that the proposed resolution be directly referred to the Government Relations, Ethics, and Transparency Committee for discussion and action. For further information, I have also attached the Complaint in this matter, which was filed on October 30, 2023.

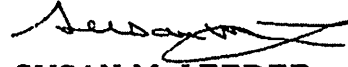
Executive session will be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

If you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

///
///

Honorable Alice L. Lee, Chair
October 9, 2025
Page | 2

Sincerely,



SUSAN M. LEEDER
Deputy Corporation Counsel

cc: John Pelletier, Chief of Police

Attachments:

- (1) Proposed Resolution: AUTHORIZING SETTLEMENT OF AISSA NISHIYAMA v. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL 2CCV-23-0000346;
- (2) Complaint filed October 30, 2023.

JOSEPH T. ROSENBAUM 9205
ELIZABETH JUBIN FUJIWARA 3558
1100 Alakea St., 20th Fl. Ste B
Honolulu, Hawaii 96813
Telephone: 808-203-5436

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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

AISSA NISHIYAMA,

Plaintiff,

vs.

COUNTY OF MAUI POLICE
DEPARTMENT; JOHN DOES 1-10; JANE
DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; DOE
UNINCORPORATED ORGANIZATIONS
1-10; and DOE GOVERNMENTAL
AGENCIES 1-10,

Defendants.

COMPLAINT

COMES NOW Plaintiff AISSA NISHIYAMA [hereinafter referred to as "MS. NISHIYAMA"], by and through her counsel, ELIZABETH JUBIN FUJIWARA and JOSEPH T. ROSENBAUM, and complains against the above-named Defendants alleges and avers as follows:

I. NATURE OF CASE

1. The basis of this case is, *inter alia*, discrimination and whistleblower retaliation against MS. NISHIYAMA as a female at the County of Maui Police Department.

II. JURISDICTION

2. MS. NISHIYAMA brings this action pursuant, including, but not limited to HRS Chapter 378 to obtain full and complete relief and to redress the tortious conduct described herein.

3. At all times relevant herein, MS. NISHIYAMA was an employee with the County of Maui Police Department [hereinafter referred to as “MPD”] and a resident of the County of Maui, State of Hawai’i.

4. At all times relevant herein, Defendant MPD's principal place of business is in the County of Maui, State of Hawai’i.

5. Upon information and belief, and at all times relevant herein, Defendants were acting within the course and scope of their duties as employees, agents and/or representatives of MPD; therefore, Defendants are liable for the intentional and/or tortious and/or wrongful conduct of said employees, agents and/or representatives pursuant to the doctrine of Respondeat Superior and/or principles of Agency.

6. Defendants JOHN DOES 1-100, JANE DOES 1-100, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10, and DOE GOVERNMENTAL AGENCIES 1-10 are sued herein under fictitious names because their true names, identities and capacities are unknown to MS. NISHIYAMA, except that they are connected in some manner with Defendants, and are/were agents, servants, employees, employers, representatives, co-venturers, associates, or independent

contractors of Defendants herein, and were acting with the permission and consent and within the course and scope of said agency and employment and/or were in some manner presently unknown to MS. NISHIYAMA engaged in the activities alleged herein and/or were in some way responsible for the injuries or damages to MS. NISHIYAMA, which activities were a proximate cause of said injuries or damages to MS. NISHIYAMA. MS. NISHIYAMA has made good faith and diligent efforts to identify said Defendants, including interviewing individuals with knowledge of the claims herein. At such time as their true names and identities become known, MS. NISHIYAMA will amend her Complaint accordingly.

7. All events done by MPD described herein occurred within the County of Maui, State of Hawaii, and within the jurisdiction and venue of the Circuit Court of the Second Circuit, State of Hawai'i.

III. STATEMENT OF FACTS

8. MS. NISHIYAMA was born and raised on Maui and began working in MPD's Juvenile Crime Prevention Division (JCPD) as a Juvenile Counselor in October 2021.

9. Prior to working for the MPD, MS. NISHIYAMA worked as a substitute teacher and school counselor for the State of Hawai'i Department of Education since 2011.

10. Throughout MS. NISHIYAMA's career, she has been dedicated to serving her community and helping children learn the skills they need to be successful in life.

11. On or about January 26, 2022, MS. NISHIYAMA notified her division commander at MPD, Lt. Terrence Gomez, of the falsification of overtime hours by the Juvenile Counselors (JCs).

12. MS. NISHIYAMA notified Lt. Gomez only a couple of days after he conducted a meeting with the JCPD and addressed Chief John Pelletier's anti-corruption policy which included the topic of overtime abuse.

13. Upon being hired in October 2021, MS. NISHIYAMA was directed by her immediate supervisor, Viki Roemmmling, supervising Juvenile Counselor, to submit inaccurate timesheets.

14. Specifically, Ms. Roemmling directed MS. NISHIYAMA and the other JC to submit a time for their end of workday that was later than the time they actually left.

15. Toward the end of the workday on or about January 26, 2022, Ms. Roemmling in an unpleasant manner, notified the JC that they were to fill in correct times on their timesheets.

16. Ms. Roemmling was not happy because she wanted the documentation of overtime hours to remain how she originally implemented them.

17. Ms. Roemmling felt compelled to direct the JC to submit accurate timesheets due to MS. NISHIYAMA persistently raising concerns of illegal overtime abuse, *i.e.*, theft from the County.

18. As a result of MS. NISHIYAMA's whistleblowing, the MPD conducted an internal investigation into the matter, and Ms. Roemmling began to retaliate against MS. NISHIYAMA.

19. On or about February 3, 2022, Lt. Gomez conducted another meeting with the JCs and discussed documentation of overtime hours on timesheets pertaining to one of their programs, Project P.O.I..

20. At this time, Ms. Roemmling was in charge of all overtime hours of the JCs in regard to Project P.O.I..

21. Lt. Gomez explained to the JC's that they should not be reporting hours that were inaccurate and instructed them how to correctly document their timesheets.

22. Lt. Gomez notified the JCs that he would be submitting a report about the documentation of overtime hours through the chain of command.

23. The next two weeks following this meeting Ms. Roemmling and JC Molly Bradley-Ryk created a contentious work environment against MS. NISHIYAMA.

24. Ms. Bradley-Ryk claimed she did no wrongdoing in regard to timesheets and was simply following instructions from Ms. Roemmling.

25. On or about February 14, 2022, Ms. Roemmling, JC Shari Hotta, and Ms. Bradley-Ryk notified Lt. Gomez that they felt it was wrong of MS. NISHIYAMA to complain about inaccurate hours on timesheets.

26. So, later that day Lt. Gomez called a meeting with the JCs.

27. In the meeting, Lt. Gomez made it clear that submitting inaccurate hours

on timesheets was a violation and should never have happened.

28. On or about March 18, 2022, MS. NISHIYAMA received her six-month probationary period evaluation from Ms. Roemmling.

29. Ms. Roemmling had completed MS. NISHIYAMA's evaluation one month prior even though her probationary period was not complete.

30. Ms. Roemmling should have done a partial evaluation.

31. MS. NISHIYAMA was told that she was highly effective in all categories except for workplace relationships with the other JCs.

32. Ms. Roemmling cited to frequent gossip by MS. NISHIYAMA and an incident on or about February 11, 2022, where Ms. Bradley-Ryk was upset with MS. NISHIYAMA's reporting of inaccurate overtime hours.

33. Also, Ms. Roemmling discussed an incident where Ms. Hotta was upset with MS. NISHIYAMA for not including Ms. Hotta in signing up for grant writing training classes.

34. MS. NISHIYAMA apologized to Ms. Hotta, but Ms. Hotta became increasingly upset and stated in a loud voice, "I don't want your apology."

35. During MS. NISHIYAMA's performance evaluation, she requested to submit a complaint to Ms. Roemmling in regard to Ms. Hotta's hostility towards MS. NISHIYAMA.

36. Ms. Roemmling refused to make the requested formal complaint.

37. Ultimately, Ms. Roemmling did not provide MS. NISHIYAMA with a written copy of MS. NISHIYAMA's performance evaluation and Ms. Roemmling's official recommendation was that MS. NISHIYAMA's probationary period be extended for an additional three (3) months.

38. To make matters worse, Ms. Roemmling did not provide MS. NISHIYAMA any guidance for corrective actions for the negative remarks on her performance evaluation.

39. Moreover, based on information and/or belief, none of the other JCs were reprimanded for the same type of "gossiping" that MS. NISHIYAMA was accused of even though the other JCs also engaged in what could only be perceived as "gossiping."

40. Ms. Roemmling finally notified MS. NISHIYAMA that she was retiring

and that it was her last day.

41. Clearly, Ms. Roemmling's negative performance evaluation against MS. NISHIYAMA was retaliation for whistleblowing in regard to inaccurate overtime on all of the JC timesheets.

42. In the Fact-Finding Investigation Report for Maui Police Department (Aissa Nishiyama) conducted by the Honolulu law firm Marr Jones & Wang, the investigation indeed reveals that Ms. Roemmling was in fact aware that MS. NISHIYAMA alerted Lt. Gomez of illegal activity in regard to inaccurate overtime on all of the JC timesheets.

43. Ms. Roemmling denied having knowledge that MS. NISHIYAMA was the individual that prompted the investigation into abuse of overtime.

44. However, the investigator concluded, "[Ms. Roemmling's] untruthful contention lends support to its potential pretextual nature. Moreover, the investigator acknowledges that there is evidence that MS. NISHIYAMA's whistleblowing activity could have caused Ms. Roemmling to harbor animus against MS. NISHIYAMA which could have motivated Ms. Roemmling to submit the negative evaluation and request an extension of MS. NISHIYAMA's probation when Ms. Roemmling may otherwise not have."

45. There was a rumor circulating in the MPD that MS. NISHIYAMA and Lt. Gomez were having an affair.

46. It is allegedly unclear where the rumor started from.

47. What is clear is that the rumor was untrue, and MS. NISHIYAMA was treated on unfair and unequal terms as a result of the rumor.

48. Apparent from the Fact-Finding Investigation Report for MPD (Aissa Nishiyama) it was the Upper Chain of Command that believed this rumor, seemed to endorse it and further repeat it amongst the Chain of Command.

49. This clearly is a form of sexual harassment based on the false rumors of a sexual affair.

50. On or about March 28, 2022, Lt. Gomez was notified by Asst. Cf. Randy Esperanza of a rumor going around that Lt. Gomez and MS. NISHIYAMA were having an affair.

51. Asst. Cf. Esperanza relayed that Deputy Cf. Charles Hank III had told him that Cf. Pelletier believed the JCs were having altercations because of the rumored affair.

52. Lt. Gomez notified MS. NISHIYAMA of the rumor towards the end of March 2022.

53. Initially, MS. NISHIYAMA thought the rumor was comical and juvenile, but she would soon discover that it was based out of retaliation and she would be discriminated against because of the rumor.

54. Around April 1, 2022, Lt. Gomez approached MS. NISHIYAMA in regard to filling the position of Supervising Juvenile Counselor on Temporary Assignment (SJC on TA) in JCPD.

55. MS. NISHIYAMA had to wait until her probationary period ended after April 18, 2022 to be eligible for the position.

56. On or about April 25, 2022, Lt. Gomez informed MS. NISHIYAMA that he was selecting her for the position, and she accepted.

57. At that time there were only three (3) JCs and MS. NISHIYAMA was the only JC eligible for the position since Ms. Kahuhu was still on probation and Ms. Hotta was on out on leave.

58. Lt. Gomez requested MS. NISHIYAMA's promotion to his supervisor, Asst. Cf. Esperanza.

59. Asst. Cf. Esperanza promptly called Lt. Gomez and denied MS. NISHIYAMA's promotion.

60. On or about May 3, 2022, Lt. Gomez notified MS. NISHIYAMA that her appointment to SJC on TA was rejected because of the rumors that she was having an affair with Lt. Gomez.

61. It became clear to MS. NISHIYAMA that she was being sexually harassed based on this rumor and discriminated against based on her gender.

62. Lt. Gomez's job remained intact while MS. NISHIYAMA was denied job opportunities in the form of a promotion.

63. MS. NISHIYAMA believes that if she had been a male the untrue rumor of having an affair would not have prevented her from receiving a promotion and equal pay.

64. On or about May 11, 2022, MS. NISHIYAMA notified her union, the Hawaii Government Employees Association (HGEA), of the unfair rejection of her promotion to SJC on TA and the unequal treatment against her stemming from rumors that she was having an

affair with Lt. Gomez.

65. MS. NISHIYAMA's official grievance was filed on May 20, 2022.

66. On June 16, 2022, a remedy was reached in favor of MS. NISHIYAMA's grievance providing her with the SJC on TA and back pay, retroactively dating back to April 25, 2022.

67. According to MS. NISHIYAMA's union representative, Todd Watkins, the MPD should not have declined MS. NISHIYAMA's promotion because of the rumor.

68. Deputy Cf. Hank III also told MS. NISHIYAMA that nobody should be denied a promotion based on a rumor.

69. MS. NISHIYAMA was clearly sexually harassed, discriminated against and treated on unequal terms compared to Lt. Gomez based on the rumor of a sexual affair.

70. Lt. Gomez was not denied an opportunity for potential promotions.

71. Nor was he denied fair wages and/or reprimanded for the rumor of having an affair with MS. NISHIYAMA.

72. Conversely, MS. NISHIYAMA was forced to contact the HGEA and go through the grievance process just to receive equal pay.

73. On or about May 13, 2022, Cf. Pelletier submitted a complaint to Deputy Cf. Hank III against MS. NISHIYAMA in regard the possible violations of confidentiality stemming from emails MS. NISHIYAMA sent.

74. The emails MS. NISHIYAMA sent simply asked for support from the public for JCPD because she believed that Cf. Pelletier may dismantle the JCPD.

75. Based on MS. NISHIYAMA's email, Cf. Pelletier asserted that MS. NISHIYAMA was revealing departmental information.

76. Cf. Pelletier's complaint was submitted just a few days after MS. NISHIYAMA initially contacted the HGEA and complained about the unfair and unequal treatment against her.

77. On or about May 16, 2022, Asst. Cf. Esperanza notified MS. NISHIYAMA and Lt. Gomez that they were under investigation and directed Lt. Gomez to address MS. NISHIYAMA in regard to what the investigation was about.

78. Importantly, there were four (4) employees, including MS. NISHIYAMA, who had sent emails that violated allegedly HPD policy of confidentiality.

79. MS. NISHIYAMA and Lt. Gomez were the only individuals being investigated.

80. The Fact-Finding Investigation Report for MPD states, "...it does not appear as if the actions of the other alleged actors were ever reported."

81. Initially, the MPD only wanted to charge MS. NISHIYAMA for violation of MPD's confidentiality policy (General Order 103.1).

82. But when Lt. Gomes was directed to discipline MS. NISHIYAMA, he notified the MPD he would not do that because he directed MS. NISHIYAMA to write the information in the emails.

83. As a result, Lt. Gomez was also being investigated for violating MPD's confidentiality policy.

84. On or about July 19, 2022, MS. NISHIYAMA finally received an interview for the permanent SJC position.

85. It's clear that MS. NISHIYAMA's interview process was delayed due to the same reasons she was denied the SJC temporary assignment.

86. Specifically, because she was a woman and the false rumors of her affair with Lt. Gomez.

87. On August 1, 2022, MS. NISHIYAMA was appointed permanently to SJC because no one else that applied was qualified for the position.

88. On August 23, 2022, MS. NISHIYAMA was served with an Internal Complaint Form, charging her with allegations of sending out e-mails that revealed police information to outside parties in apparent violation of General Orders (G.O.) 103.1.

89. Clearly, she was being further retaliated against.

90. Due to intolerable work conditions, MS. NISHIYAMA resigned her employment with MPD.

91. MS. NISHIYAMA timely filed her Charge of Discrimination with the Hawaii Civil Rights Commission ("HCRC") citing gender discrimination and retaliation.

92. On or about August 2, 2023, MS. NISHIYAMA was issued her "right to sue" letter from the HCRC.

COUNT I GENDER DISCRIMINATION

93. MS. NISHIYAMA incorporates paragraphs 1 through 92 as though fully set forth herein.

94. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2 based on their gender.

95. MPD's conduct as described above is a violation of HRS, § 378-2.

96. The aforementioned acts and/or conduct of the MPD entitles MS. NISHIYAMA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. NISHIYAMA has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

COUNT II RETALIATION

97. MS. NISHIYAMA incorporates paragraphs 1 through 96 as though fully set forth herein.

98. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2(2) who "has filed a complaint . . . respecting the discriminatory practices prohibited under this part."

99. MPD's conduct as described above is a violation of HRS, § 378-2 (1 & 2).

100. The aforementioned acts and/or conduct of the MPD entitles MS. NISHIYAMA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. NISHIYAMA has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful

embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

COUNT III
VIOLATION OF HRS 378 PART V WHISTLEBLOWERS' PROTECTION ACT

101. MS. NISHIYAMA incorporates paragraphs 1 through 100 as though fully set forth herein.

102. The treatment of MS. NISHIYAMA, as described aforesaid, evidences retaliation against MS. NISHIYAMA at MPD for reporting illegal practices at MPD.

103. An employer shall not retaliate against an employee based on their whistleblowing under HRS, § 378-62 which states in pertinent part as follows:

§ 378-62: An employer shall not discharge, threaten or otherwise discriminate against an employee...because:

- (1) The employee... reports or is about to report to the employer...verbally or in writing, a violation or suspected violation of:
- (A) A law, rule, ordinance, or regulation, adopted pursuant to the law of this State, a political subdivision of the State or the United States;

104. MPD's conduct as described above is a violation of HRS § 378-62(1)(A).

105. The aforementioned acts and/or conduct of the MPD entitles MS. NISHIYAMA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. NISHIYAMA has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

PRAYER FOR RELIEF

WHEREFORE, MS. NISHIYAMA respectfully prays that this Court enter judgment granting the following relief on all causes of action:

A. That this Court enter a declaratory judgment that MPD have violated the rights of MS. NISHIYAMA;

B. That this Court award MS. NISHIYAMA special damages for the aforementioned Counts including but not limited to back pay, front pay, and all employee benefits that would have been enjoyed by her in amounts which shall be shown at trial;

C. That this Court award MS. NISHIYAMA compensatory damages, proximately caused by MPD's tortious and abusive conduct, including, but not limited to, general damages for the intentional infliction of mental or emotional distress, assessed against MPD, all in an amount to be proven at trial;

D. As MPD's treatment of MS. NISHIYAMA, as aforesaid, constitutes extreme and outrageous behavior which exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, MPD acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences, justifying an award of punitive or exemplary damages in an amount to be proven at trial, that this Court award MS. NISHIYAMA exemplary or punitive damages in an amount to be proven at trial;

E. That this Court award MS. NISHIYAMA reasonable attorney's fees and costs of suit herein as well as prejudgment and post-judgment interest;

F. That this Court order appropriate injunctive relief;

G. That this Court retain jurisdiction over this action until MPD has fully complied with the order of this Court and that this Court require MPD to file such reports as may be necessary to secure compliance;

H. That this Court award MS. NISHIYAMA such other and further relief both legal and equitable as this Court deems just, necessary and proper under the circumstances.

DATED: Honolulu, Hawaii, October 30, 2023.

/s/ Joseph T. Rosenbaum
JOSEPH T. ROSENBAUM
ELIZABETH JUBIN FUJIWARA
Attorneys for Plaintiff
AISSA NISHIYAMA

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

AISSA NISHIYAMA,

Plaintiff,

vs.

COUNTY OF MAUI POLICE
DEPARTMENT; JOHN DOES 1-10; JANE
DOES 1-10; DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; DOE
UNINCORPORATED ORGANIZATIONS
1-10; and DOE GOVERNMENTAL
AGENCIES 1-10,

Defendants.

[illegible]

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable herein.

DATED: Honolulu, Hawaii, October 30, 2023.

/s/ Joseph T. Rosenbaum
JOSEPH T. ROSENBAUM
ELIZABETH JUBIN FUJIWARA
Attorneys for Plaintiff
AISSA NISHIYAMA