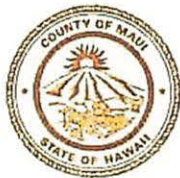


**RICHARD T. BISSEN, JR.**  
Mayor

**VICTORIA J. TAKAYESU**  
Corporation Counsel

**MIMI DESJARDINS**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



**BOARD OF ETHICS**  
**C/O DEPARTMENT OF THE CORPORATION COUNSEL**  
**COUNTY OF MAUI**  
**200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR**  
**WAILUKU, MAUI, HAWAII 96793**  
EMAIL: [boardofethics@mauicounty.gov](mailto:boardofethics@mauicounty.gov)  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

To: Honorable Alice Lee, Chair and Council Members

Copy: Honorable Richard Bissen, Mayor of Maui County

From: Geraldine Lewis, Chair  
Maui County Board of Ethics

Date: January 10, 2024

Subject: Proposed Charter Amendment to provide for full-time staff for the  
Maui County Board of Ethics

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We transmit for your consideration and adoption a proposed resolution (Exhibit "A") amending Section 10-2 of Article 10 of the Revised Charter of the County of Maui (hereinafter "RCM") relating to the Maui Board of Ethics (hereinafter "BOE") to provide for staff for the BOE.

We believe that the BOE should remain administratively attached to the Corporation Counsel, but that the BOE should now have an independent full-time staff. Working full-time on the day-to-day business of the BOE would enable staff, and thereby the BOE, to become experts in the construction and application of County standards of conduct and to develop an understanding of the operations of the County government.

As the attached letter of July 24, 2023 from Council Member Tamara Paltin to the BOE (Exhibit "B") points out, the Hawaii House of Representatives adopted "House Resolution 8 (2023), urging counties to increase funding for their ethics boards or commissions to support them in meeting their Hawaii State Constitution mandates." The House Resolution (Exhibit "C") points out that "limited or no staffing [as in the case of the BOE] prevents these county ethics boards or commissions from sufficiently investigating complaints, providing advice to current county employees, or offering trainings on how to follow the pertinent code of ethics."

We believe having a full-time staff is warranted for the following reasons.

First, without full-time staff, the BOE is unable to personally train Maui County elected officials, officers, board and commission members, and employees on ethics rules and laws (hereinafter "County Personnel"). We understand that currently such training is performed by the personnel department. We believe, however, that because the standards of ethics are the responsibility of the BOE under both the Hawaii Constitution and Maui Charter, training should be a function of the BOE. By not being able to train such personnel, it is difficult to demonstrate that a particular public employee charged with ethics violations received the requisite notice of the acts that constitute ethics violations. We firmly believe that Ethics training is the best way to help ensure County Personnel not only receive adequate training in ethics laws and rules, but it also helps them avoid the pitfall of violating such laws and rules unwittingly. We want everyone to remain compliant. The best of all worlds are informed County Personnel who never commit a violation.

Second, full-time staff would permit County Personnel to have direct and immediate access to the BOE which is not now possible. With full-time staff, including an executive director, our employees would be able to give ethics advice to County Personnel on a daily basis. Sometimes the need to receive quick ethics advice is necessary to avoid a violation. The Executive Director of the Honolulu Ethics Commission (hereinafter "HEC") frequently gives immediate responses to questions about ethics from public employees. We are simply unable to do that since we only meet once a month. If in any given month we lack a quorum, the answer may be delayed for two months or more. That leaves County Personnel seeking advice on a possible ethics issue in limbo.

Third, an independent staff would avoid the conflicts that arise when the Corporation Counsel is called upon to represent the BOE as well as County agencies, officers and employees who may have business before the BOE. Also, although the Corporation Counsel graciously assigns her secretary to serve as secretary to the BOE, that secretary already has a full-time workload.

Fourth, without full-time staff, the BOE is currently unable to independently investigate and prosecute ethics violations. That may even be a perception held by the community. One recent article pointed out that while we are "responsible for investigating wrongdoing by public officials, [we have] neither a dedicated budget nor the staff necessary to conduct investigations" despite the fact that "two county officials and two lawmakers from Maui who took bribed

from [Milton] Choy have been sent to prison.”<sup>1</sup> In the event of a conflict, it cannot rely on the Corporation Counsel to handle this function.

Fifth, the way the BOE is currently set up under the rules, investigations of ethics violations require the Chair to consult ex parte with Corporation Counsel about a complaint and then report on the same to the BOE. Yet, the BOE is a quasi-judicial body which is charged to hear and impartially decide ethics violations. By receiving prior ex parte information from the “prosecutor” of a potential violation, the BOE is compromised in its ability to remain an impartial body or at least ensure to the public and the alleged violator that the BOE is unbiased. The HEC does not receive such ex parte information about a violation because it is its Executive Director and Legal Counsel who investigates and decides whether to bring cases before the HEC, in which case the respondent is given full due process. Without full-time staff and under the current rules that is not possible on Maui.

Sixth, the BOE also has an educative function to perform if it is to serve the County as effectively as possible. The public sector as well as County Personnel would benefit greatly by the BOE disseminating and clarifying information regarding County standards of conduct and the filing of Financial Disclosure Statements (hereinafter “FDS”). A full-time staff would provide the BOE with an opportunity to perform this function on a daily basis.

Finally, currently, the BOE examines all of the many dozens of annual FDSs and lobbying filings during meetings. These examinations can take up 80-90% of its meeting time. The HEC never reviews such documents which are handled by staff. This frees up the HEC to perform higher level work in carrying out its many functions and overseeing the operations of its staff. So too, the BOE should not be tasked with reviewing all such documents. There are important tasks the BOE needs to perform in training, education, and other actions to ensure our County Personnel adhere to the highest standards of ethical conduct.

The staff of the BOE should be exempt employees, as are the employees of the HEC and the State Ethics Commission. As exempt employees, the staff would remain independent and answerable only to the BOE.

We ask the earliest possible consideration be given to this resolution so that it can appear on the 2024 General Election ballot and so the necessary notice can be given to the public prior to the election.

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<sup>1</sup> Blaze Lovell, “Hawaii Bribery Scandal Casts a Shadow Over Lahaina’s Ruins”, Civil Beat, October 25, 2023.

Proposed Charter Amendment to provide for full-time staff for the Maui County  
Board of Ethics January 10, 2024  
Page 4

Should you have any questions, please do not hesitate to contact the Board  
staff at [boardofethics@mauicounty.gov](mailto:boardofethics@mauicounty.gov)

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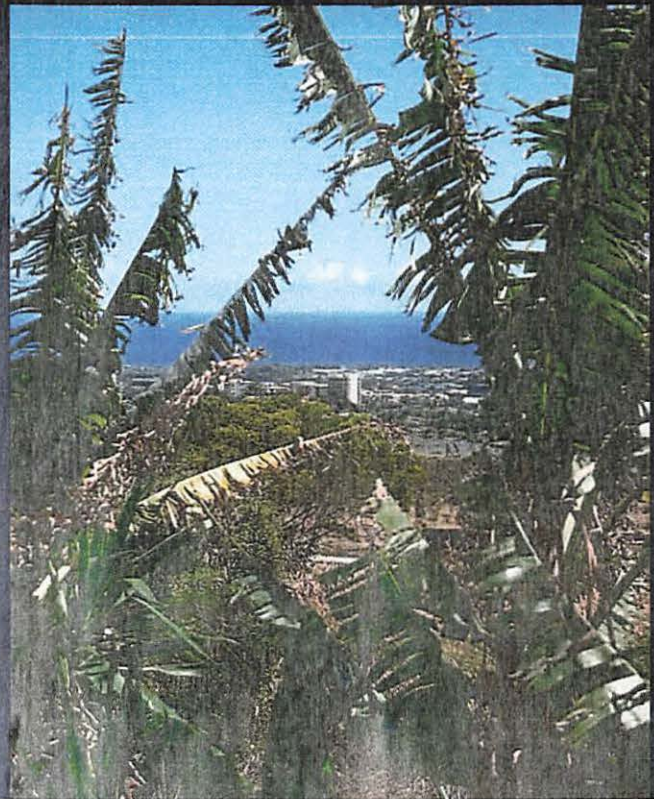


HAWAII CORRUPTION INVESTIGATIONS

# Hawaii Bribery Scandal Casts A Shadow Over Lahaina's Ruins

For years, a local businessman paid off officials in exchange for lucrative contracts. The system he exploited has been left largely unchanged.

By Blaze Lovell / October 25, 2023



*An examination of one of the state's largest bribery cases reveals a county procurement system that may be ill-equipped to handle the millions of dollars it will spend following the devastating wildfires on Maui. (Phillip Jung for The New York Times)*

*Blaze Lovell, who reported from Honolulu and Maui, examined loopholes in Hawaii's government contracting system as part of The Times's [Local Investigations Fellowship](#).*

**T**he mayor of Maui County, Michael Victorino, was outraged.

He appeared on television in September 2022 and called for swift action in response to what was then just emerging as one of the largest government bribery cases in Hawaii's history.

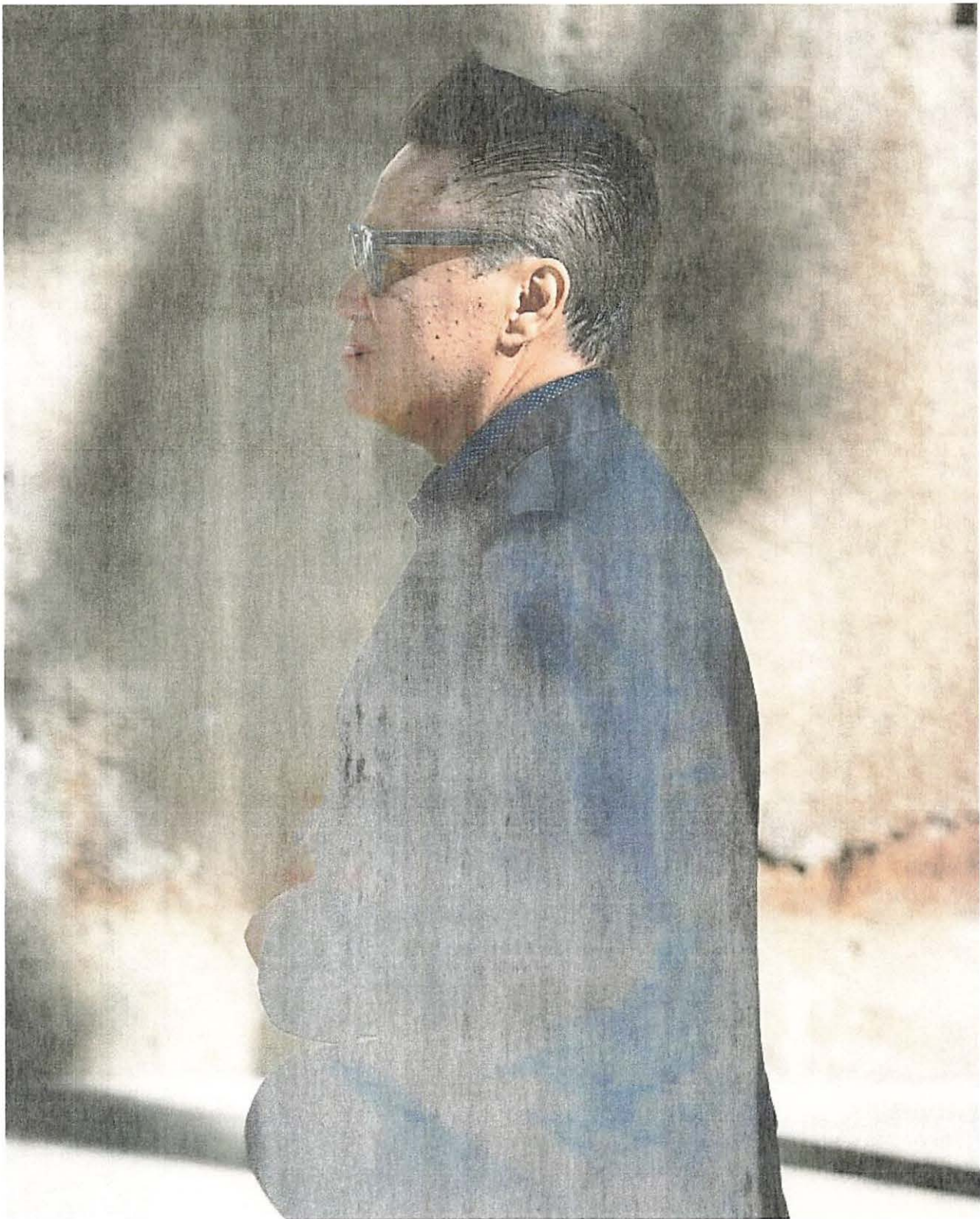
Milton Choy, [the businessman who paid off county officials](#) to win no-bid wastewater contracts worth \$19.3 million, must be "punished to the fullest extent of the law," the mayor told his audience. So must those in county government who accepted payoffs.

Victorino also told the public that "yesterday," he had [ordered an immediate audit](#) into all of Choy's contracts.

But no one told Lance Taguchi, the Maui County auditor, who said he only heard about the audit on the news.

"I wasn't consulted," Taguchi said. "Quite frankly, I wasn't quite sure who was to do it, or who would be doing it."





Milton Choy walking into court in Honolulu on Aug. 29. He was sentenced to more than three years in prison for bribing a Maui County official in exchange for more than \$19 million in government contracts. (Phillip Jung for The New York Times)

Though there were calls around the state for sweeping corrective measures following the bribery scandal, no audit was ever completed, and the flawed contract-monitoring system that Choy exploited has been left largely unchanged.

An examination of his case reveals a county procurement system with few checks and balances, one that may be ill-prepared to handle the millions of dollars that the county will spend in the aftermath of the inferno that destroyed much of Lahaina and killed at least 99 people.

The case prompted some county officials to begin phasing out sole-source contracts — which are awarded without competitive bidding when officials determine that only one vendor is able to supply a particular good or service — but the practice is still in use in the county.

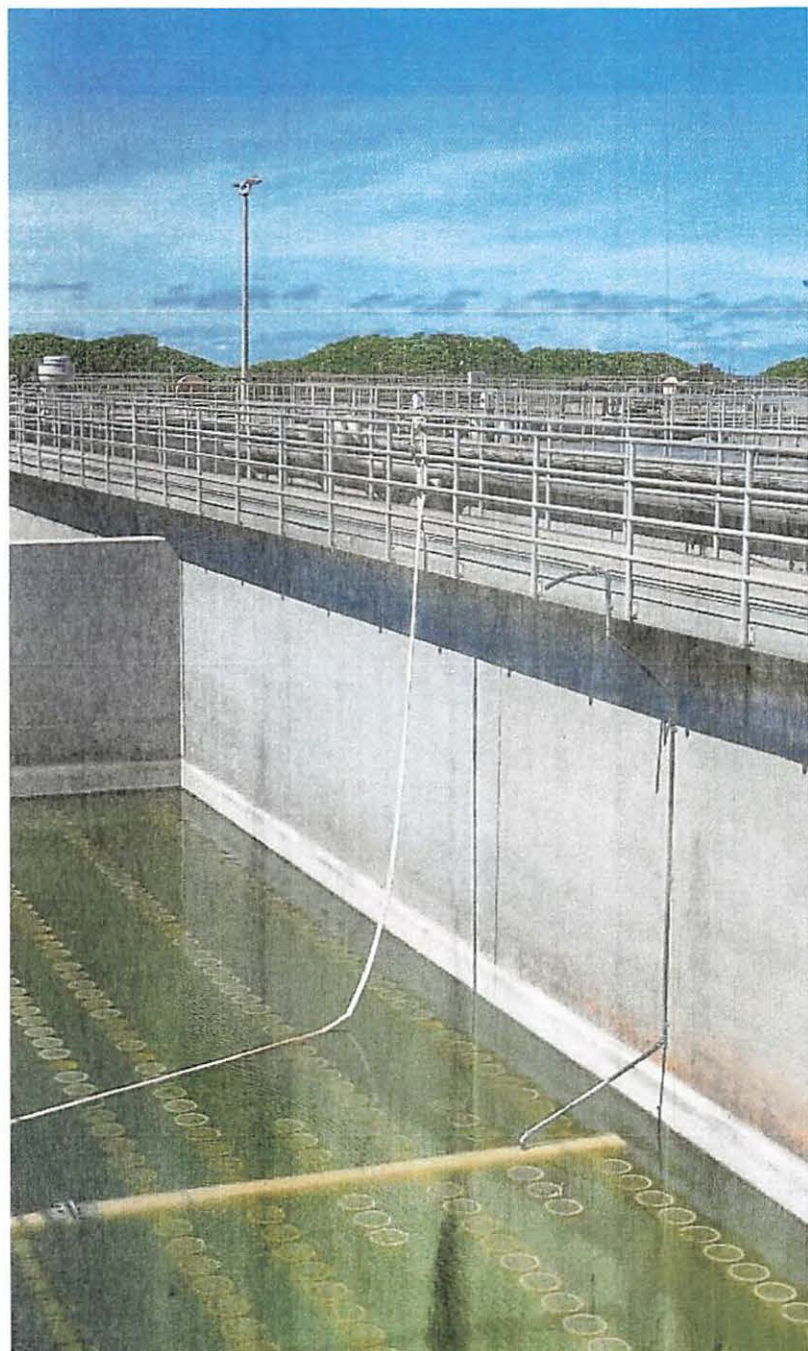
Emergency orders have suspended most of the county's procurement rules to speed up the response to the fires. Some state regulators and good-government advocates worry that the lack of competitive bidding and other deep flaws in the system could leave the door open for some contractors to take advantage of the disaster or for government money to be wasted.

Much of the money to rebuild from the devastating fire will flow through the Maui County government, which had already issued more than \$3 million worth of contracts in the first several weeks after the fires, and millions more are expected.

Most of the money spent so far has gone to local construction companies, including [Goodfellow Bros.](#), one of Maui's largest building firms, and [Alpha Inc.](#) which was hired to clear debris from roads and to manage traffic in the burned area. Consultants from Purdue University were hired to assess the damage to Lahaina's water system, and Tetra Tech, a California-based engineering and consulting firm that was brought on to develop a temporary holding facility for toxic debris near the Central Maui Landfill.

Most of the contracts awarded so far went through without competitive bidding.





Company delivered new filtration systems to the Kahului Wastewater Treatment Plant in Maui. (Phillip Jung for The New York Times)



Federal and state orders to upgrade county wastewater infrastructure created opportunity for H2O Process Systems. (Phillip Jung for The New York Times)

Abuse of single-source contracts were at the heart of the scandal involving Choy, and while his company also won government contracts on Kauai and Oahu, [Maui County is where he made the most money that way.](#)

A computer analysis of publicly available county records shows that Choy's company, H2O Process Systems, was awarded about \$12.7 million in sole-source contracts by Maui County between 2015 and 2022 — more than any other vendor received, and more than 13% of the county's total spending on such contracts. Federal prosecutors put the total amount of all contracts paid to H2O Process Systems by Maui County at around \$19.3 million since 2012.



Maui County does much more of its spending through sole-source contracts than the state does. That type of contract accounts for less than 1% of spending by state agencies, but Maui County has used them for 7% of its contract awards since 2015.

It is a small universe of contracts and vendors, one with holes Choy and others were able to exploit. The process is so problematic that the agency in charge of Maui's sewers halted its use of sole-source contracting this year. But the method is still in use countywide and can be used for purchases related to disaster relief efforts.

The suspension of competitive bidding is not the only hole in a county contracting system that is about to handle millions of dollars in spending, as the state rebuilds from the wildfires, which caused at least \$5 billion in damage.

The county purchasing office that checks agency requests for no-bid contracts has only a handful of employees — sometimes as few as two — who monitor purchases from the county's 15 departments, according to two former employees.



tside the main county building in Wailuku. (Phillip Jung for The New York Times)



The wildfires that swept across parts of Maui caused at least \$5 billion in damage. (York Times)

The Maui County Board of Ethics, which is responsible for investigating possible wrongdoing by public officials, has neither a dedicated budget nor the staff necessary to conduct investigations — even now, after [two county officials](#) and [two lawmakers from Maui](#) who took bribes from Choy have been sent to prison.

Choy was charged with one count of bribery last year and [sentenced to more than three years in prison](#). During his sentencing hearing on Aug. 29, Assistant U.S. Attorney Kenneth Sorenson said that Maui County could not articulate how things might have played out differently if all of Choy's contracts had been competitively bid.



The what-ifs mattered little to Choy, who stood up in court in a black fitted suit and dark polka dotted shirt to offer an apology to the court and the sparse gallery, where his wife and children were notably absent.

He apologized to his competitors, the people of Maui and most of all, he said, to his family for the harm his criminal acts caused them.

"My children were raised to be honest and law-abiding," Choy said in court. "I pray I may be able to restore their trust and respect for their father."



Milton Choy and his lawyer, Michael Green, left, outside court. Two Maui officials and two state lawmakers who took bribes from Choy have been sent to prison on bribery-related charges.

## The Rise Of A Wastewater King

Former associates of Choy recalled him as a charming salesman who could deftly navigate his way to the people who would buy his products and services. He sold wastewater equipment from manufacturers on the mainland.

Introductions and back-room deals were often hashed out over dinners, where Choy would occasionally flash a list of his contacts with direct lines to politicians and public officials. He was comfortable in the state's culture of



gift-giving.

He got a head start in the business working for Chris Hong, a former sewer superintendent in Honolulu and one of the first wastewater salesmen in Hawaii, who introduced Choy to public officials during site visits to Maui in the mid-1990s, according to former county employees.

Soon, orders from the state health department and the U.S. Environmental Protection Agency to upgrade county wastewater infrastructure created business opportunities for Choy and his contemporaries.

Choy opened his own company, H2O Process Systems, in 2008. His business flourished. Competitors and former officials who dealt with him described a man adept at finding solutions to water processing issues and one who sold top-of-the-line equipment.

It also helped that he invited Hawaii officials and friends to soirees in Las Vegas, where the guests would be treated to stacks of gambling chips, food and drinks at Choy's private suite in the Mirage hotel and casino, according to John Leslie, a former business partner in another venture who witnessed some of those parties.

"It was just real dirty," said Leslie, who had distanced himself from Choy.



H2O Process Systems was awarded multimillion dollar contracts to provide filtration systems for a wastewater treatment plant. Shortly after, Choy deposited thousands of dollars into bank accounts controlled by a county official. (Phillip Jung for The New York Times)



Then came a series of contracts for new filtration systems, including one at an estimated cost of \$3.5 million for the Kahului Wastewater Plant in April 2016.

Filtration is one of the last steps in the wastewater treatment process and makes the treated water suitable for purposes like irrigation.

Most of the sole-source purchases coming out of the Department of Environmental Management were maintenance-related: replacement pumps and parts for broken-down clarifiers and electrical equipment that the department needed to get quickly.

But buying an entirely new system from Choy's company that way was out of the ordinary, and it puzzled Greg King, who was in charge of the office that oversees contracts and purchases in Maui County. Why not bid it out competitively?

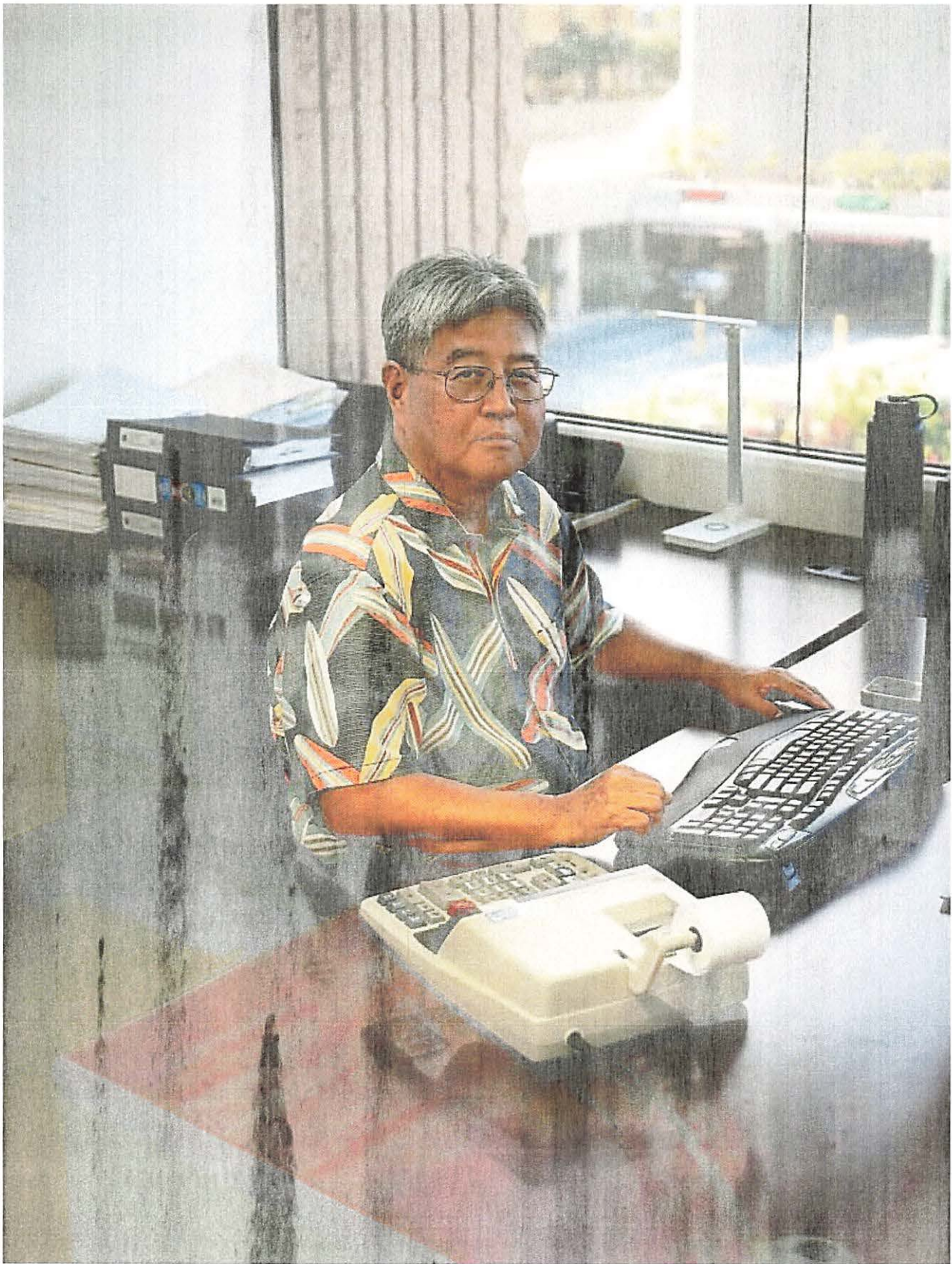
In an interview, King recounted posing that question to his boss, Danilo Agsalog, who was the county's finance director at the time and had final say over any purchases exceeding \$25,000.

The finance department approved the request anyway, on May 4, 2016. Agsalog, who now lives in Texas, did not return calls requesting an interview. Prosecutors have not alleged that Agsalog engaged in any wrongdoing.

Over the following two weeks, Choy deposited \$20,000 into bank accounts controlled by Stewart Stant, the former director of the Maui County Environmental Management Department, according to federal officials.

County governments in Hawaii rely on a finance director as the only review for contracts recommended by department heads, including sole-source purchases. That made it easy for Stant, the former department head, to steer nearly \$20 million in no-bid contracts to H2O Process Systems. Beyond that, no other official has oversight responsibilities over sole-source contracts.

The information justifying the sole-source request for the filtration system should have been checked by department officials, who are typically required to collect data on what other municipalities have paid for similar items and to rigorously vet any sole-source purchase.



Maui County Auditor Lance Taguchi said he plans to review the county's procurement practices with a particular eye toward how the county spent emergency funds during the Covid-19 pandemic. (Phillip Jung for The New York Times)

That job would have fallen to Wilfredo Savella, a maintenance supervisor who received more than \$40,000 from Choy.



"If anything looked funny, he'd be in a position to ask questions," said Victor Bakke, Savella's attorney, arguing that his client was just following orders. "The two guys doing the deal, Choy and Stant, they would just tell him what to do."

Choy spent more than \$2 million between 2012 and 2018 bribing Stant, who was [sentenced to 10 years in prison for his role in the scheme](#). Savella pleaded guilty in December 2022 to bribery-related charges. He is serving a 16-month prison sentence.

The system in Maui County is unlike those of many U.S. city and county governments, which require approval from a local council for contracts over a certain size. For example, the city of Anchorage requires its assembly to approve all sole-source purchases over \$30,000.

"That way, the purchaser cannot be too cozy with a certain vendor," said Scott Lee, Anchorage's internal auditor. "We have another set of eyes looking at us, watching us. Let's not do anything stupid."

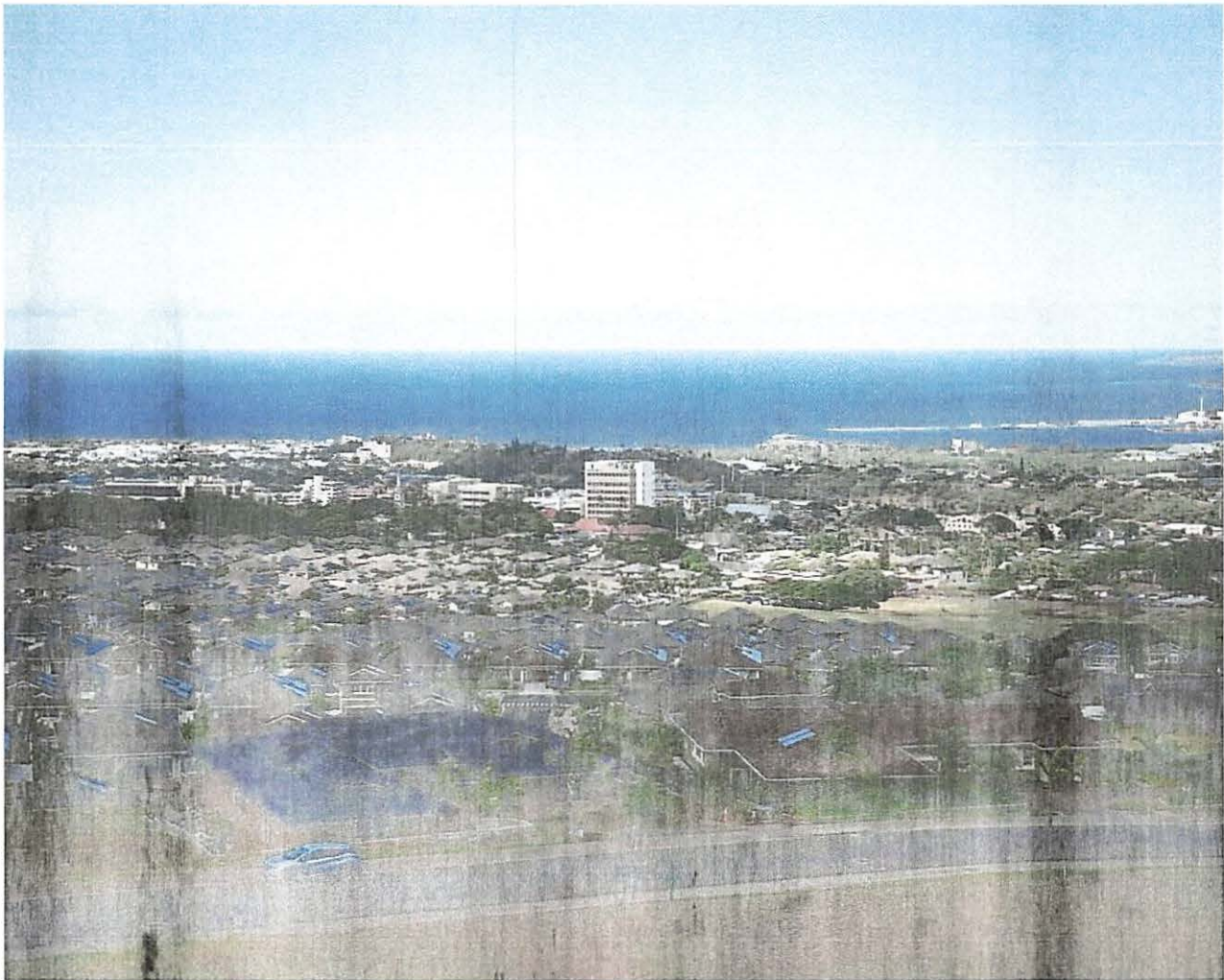
Alan Arakawa, who was mayor of Maui County when Stant was head of the environmental department, said he took a hands-off approach to county agencies and did not involve himself in day-to-day operations and contracts.

"My relationship with the departments was very simple: If you can handle it, you handle it," Arakawa said.

When Stant pleaded guilty last year, he admitted receiving more than \$1.3 million in direct payments from Choy between 2012 and 2018, in addition to hundreds of thousands of dollars worth of goods and services, including Las Vegas gambling chips, according to court records. Stant did not report any of it on annual financial disclosure forms required by the Maui County Board of Ethics, which has the authority to investigate officials and subpoena documents from private entities, such as banks.

Their business relationship was rumored for years in Maui government circles. But not a whisper of that made it to the volunteer board, according to Caleb Rowe, the board's lawyer.

The ethics board's resources, however, are limited to what is allocated to it by the [Maui Corporation Counsel](#); the board has no budget of its own, and only a few part-time staff members who also have other duties in the corporation counsel's office.



In Maui County, the process for awarding no-bid contracts involves just a few officials. (Phillip Jung for The New York Times)

## Little Has Changed

**T**he system was inadequate at catching Choy and Stant, leaving Choy to pursue other ventures.

He set up a handful of businesses doing consulting work in the energy and construction sectors.

He also made other inroads in politics.

His family, employees and business associates began donating heavily to Hawaii politicians, with about \$87,000 going to politicians from Maui. Among the recipients were a former lieutenant governor; state lawmakers, including a senator who has since admitted to taking bribes from Choy; Mayors Victorino and Arakawa; and members of the Maui County Council.

The bribery scheme involving Choy and Stant did not come to light until 2018, when several county wastewater employees raised concerns over procurement practices involving Stant to Elle Cochran, who at the time was a Maui councilwoman.



"It sent us down a rabbit hole," said Sarah Pajimola, who was Cochran's chief of staff in 2018.



Rep. Elle Cochran, who was a Maui County councilwoman when Choy was awarded sole-source contracts, turned over information to the FBI, that prompted an investigation into his business dealings. (Phillip Jung for The New York Times)



Five of Cochran's staff members and a volunteer researched the sole-source contracts issued to H2O Process Systems and the campaign donations from Choy and his associates.

Cochran spoke out against funding for a new grit system at the Kihei Wastewater Treatment Plant in South Maui. Work on part of that system was seemingly destined for Choy's business.

The staff met privately with wastewater employees to collect information about payments to H2O Process Systems and eventually turned what they had gathered over to the FBI, Pajimola said.

Their tip eventually led to the arrests of Choy and Stant. Choy agreed to cooperate in an ongoing investigation into public corruption and was not charged in other bribery cases involving two state lawmakers.

His cooperation led the two former state lawmakers, Sen. J. Kalani English and Rep. Ty Cullen, to plead guilty in February 2022 to bribery-related charges from their time in office. English was sentenced to more than three years in prison and Cullen was sentenced to two years.

Arakawa, the former mayor, defended Stant, whom he still considers a close friend.

"He admitted it. He had dealings with Milton. He defended Milton. The guy has integrity," Arakawa said.

Little has changed in Maui's system of accountability since the scandal broke, and there appears to be little will to change.

Alice Lee, the chairwoman of the county council, [floated the idea](#) of an investigation into Choy's no-bid contracts in September 2022, shortly after Victorino said he had ordered an audit.

But in a recent interview, Lee said that she was not sure a review of no-bid contracts "would serve any purpose at this stage."

"I believe he was sentenced," Lee said, referring to Stant. "Maybe there's an interest, but we have so many other things."

Most of Maui's attention is now focused on the aftermath of the wildfires.

Taguchi says he plans to review the county's procurement practices with a particular eye toward how the county has spent emergency funds during the Covid-19 pandemic, "to see if there's any kind of lessons that can be learned from it, and how we can do things better," he said.

Maui's oversight bodies, including the county's Board of Ethics, remain short of resources. The county purchasing office, which raised concerns over some of Choy's contracts in 2016, has about the same size staff now as it did then, and the county's new budget does not give the office any additional funds.



Shayne Agawa, who now holds Stant's former post as director of environmental management, started phasing out those sole-source contracts earlier this year, but acknowledged that there are some rare instances where there truly was only one vendor for a particular good or service.

In September, the department issued a \$320,000 no-bid contract to Hawaii Engineering Services for replacement parts for disinfection systems at treatment plants in Kihei and Lahaina and a pair of no-bid contracts totaling \$623,000 to Hawthorne Pacific for repair work on Caterpillar equipment.

Agawa said that limiting the use of sole-source contracting could "help or hurt" the county. But the way he sees it, making the procurement process more transparent and open to competition is better for the public in the long run.

"I'm not the same person that Mr. Stant was," Agawa said. "Not to throw anybody under the bus, but my personal integrity wouldn't allow me to allow what happened in the past to happen again."

Eric Sagara and Irene Casado Sanchez contributed reporting.

*This article was reported in partnership with [Big Local News](#) at Stanford University.*

## About the Author



**Blaze Lovell** ✉ 📡

Blaze Lovell is spending a year as a local investigations fellow with The New York Times. He was previously a reporter for Civil Beat. Born and raised on Oahu, Lovell is a graduate of the University of Nevada, Las Vegas. You can reach him at [blaze.lovell@nytimes.com](mailto:blaze.lovell@nytimes.com).

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# RESOLUTION

No. \_\_\_\_\_

TO AMEND ARTICLE 10 OF THE REVISED CHARTER OF THE COUNTY  
OF MAUI RELATING TO STANDARDS OF CONDUCT PROVISION,  
BY PROVIDING STAFF FOR THE ETHICS COMMISSION

WHEREAS, Paragraph 2 of Section 8-2.3, Revised Charter of the County of Maui provides that the Corporation Counsel shall be “the chief legal advisor and legal representative of the County of Maui; of the council, the mayor, all departments, and all boards and commissions; and of all officers and employees in matters relating to their official duties”; and

WHEREAS, the Maui Board of Ethics (“BOE”) has been attached to the Corporation Counsel for administrative purposes; and

WHEREAS, Paragraph 6 of Section 10-2 of the Revised Charter of the County of Maui provides that the “council and mayor shall cooperate and provide funding and personnel reasonably required by the board in the performance of its duties”; and

WHEREAS, based on the foregoing sections, a Deputy Corporation Counsel and a secretary have been assigned to the BOE on a part-time basis; and

WHEREAS, a full-time staff is necessary in order for the BOE to handle all of its duties and functions in an independent manner; and

WHEREAS, the staff assigned to the BOE is unable to provide the BOE with adequate service, including investigation and prosecution of ethics violations, because the secretary and Deputy Corporation Counsel are only part-time and have other important duties to perform; and

WHEREAS, under the foregoing statutory provisions, there exists potential conflicts of interest because the Corporation Counsel is in a position of being legal advisor to the officers and employees of the County in their role as agents of the County, the BOE, and County agencies, all of whom may have conflicting interests in a case; and

Exhibit "A"

WHEREAS, an independent staff for the BOE would provide complete and adequate service to the BOE, remove the inherent conflict of interest faced by the Corporation Counsel under the present statutory provisions; and

WHEREAS, the BOE meets monthly and is therefore unable to respond promptly to informal requests for advice about ethics standards, rules and laws to which full-time staff would be able to give immediate advice, especially in emergent circumstances; and

WHEREAS, the BOE is unable to train County officials and employees in ethics standards, laws and rules without full-time staff; now, therefore,

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

1. That the following question be placed on the 2024 General Election ballot:

“Shall Paragraph 6 of Section 10-2 of the Revised Charter of the County of Maui be amended to authorize the Board of Ethics of the County of Maui to hire independent staff?

Yes \_\_\_\_\_

No \_\_\_\_\_”

2. That it proposes, and it is hereby proposed, that Paragraph 6 of Section 10-2 of the Revised Charter of the County of Maui is amended to read as follows:

“6. The board may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties including but not limited to, giving informal ethics opinions and advice, and reviewing Financial Disclosure Statements and Lobbyist filings. Such staff and consultants may include attorneys who, notwithstanding Charter Section 8-2.3.3, may pursue ethics violation complaints and advise the board independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of civil service and serve at the pleasure of the board. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.”

3. That the new statutory material is underscored.



4. That this resolution shall be submitted to the electors of the County of Maui at the next General Election.
5. That the Clerk, as prescribed in Section 14-2 of the Revised Charter of the County of Maui, is hereby requested to:
  - a. Publish at length the proposed amendment in a newspaper of general circulation in the county at least forty-five (45) days prior to submission of the proposed amendment to the voters of the county at the next general election.
  - b. Prepare the necessary ballot for presentation of the proposal contained in this petition to the electors at the next General Election.
6. That upon the approval by a majority of the voters voting in favor of amending the Charter of the County of Maui as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein shall take effect on or after January 1, 2025 when appropriation of such staff shall be made.

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
Traci N. T. Fujita, Esq.

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

July 24, 2023

Ms. Geraldine Lewis, Chair  
and Members of the Board of Ethics  
c/o Department of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

Dear Chair Lewis and Members of the Board of Ethics:

SUBJECT: **INDEPENDENT STAFF FOR BOARD OF ETHICS**  
(PAF 23-158)

As you may be aware, proposals have long been considered for a Charter amendment to provide the Board of Ethics with independent staff. Over the last year, there has been a renewed interest in this topic. The House of Representatives for the State of Hawai'i established the Commission to Improve Standards of Conduct with retired Judge Daniel R. Foley as Chair. On December 1, 2022, the Commission produced a 396-page final report proposing 31 changes. The House of Representatives responded by adopting House Resolution 8 (2023), urging counties to increase funding to their ethics boards or commissions to support them in meeting their Hawai'i State Constitution mandates. According to the resolution, "limited or no staffing prevents these county ethics boards or commissions from sufficiently investigating complaints, providing advice to current county employees, or offering trainings on how to follow the pertinent code of ethics."

During my last interaction with the Board of Ethics, I recognized a need for additional Board support. I am considering introducing a resolution to initiate a Charter amendment that would provide the Board of Ethics with independent staff. I am seeking your comments on this idea and your opinion on whether independent Board of Ethics staff would be helpful in fulfilling Maui County's responsibilities under Article XIV of the Constitution.

Exhibit "B"



Ms. Geraldine Lewis  
July 24, 2023  
Page 2

May I please request a response by September 8, 2023. To ensure efficient processing, please transmit your response to [county.council@mauicounty.us](mailto:county.council@mauicounty.us) and [clarissa.macdonald@mauicounty.us](mailto:clarissa.macdonald@mauicounty.us) and include the relevant PAF number in the subject line of your response.

Should you have any questions, please contact me or Legislative Analyst Clarissa MacDonald at (808) 270-7135.

Sincerely,

A handwritten signature in black ink that reads "Tamara M. Paltin". The signature is written in a cursive, flowing style.

TAMARA PALTIN  
Councilmember

paf:clm:23-158b

cc: Mayor Richard T. Bissen, Jr.

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## HOUSE RESOLUTION

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URGING THE COUNTIES TO DEVOTE SUFFICIENT FUNDING TO THEIR  
RESPECTIVE COUNTY ETHICS BOARDS OR COMMISSIONS.

1 WHEREAS, the House of Representatives adopted House  
2 Resolution No. 9, Regular Session of 2022, to establish the  
3 Commission to Improve Standards of Conduct (Commission); and  
4

5 WHEREAS, the Commission was tasked to ensure state laws and  
6 rules relating to standards of conduct of public officers and  
7 employees contain clear standards, enforcement, and penalties  
8 and provide recommendations to increase awareness of, compliance  
9 with, and deterrent effects of the Code of Ethics, lobbying  
10 laws, campaign finance laws, and other relevant laws and rules;  
11 and  
12

13 WHEREAS, the strength and stability of our democratic  
14 government rely upon the public's trust in government  
15 institutions, including the expectation that officers act  
16 ethically with prudence, integrity, and sound judgment; and  
17

18 WHEREAS, an essential goal of the Commission was to provide  
19 recommendations that would help restore public trust in state  
20 government and increase the level of transparency in its  
21 operations and accountability of individuals; and  
22

23 WHEREAS, the Commission convened regularly throughout 2022  
24 to diligently review, discuss, and consider the issues  
25 presented, submitted an interim report to the House of  
26 Representatives outlining areas of immediate and long-term  
27 focus, then continued its work with input from the public and  
28 certain individuals and agencies to issue a final report with  
29 various recommendations and accompanying proposed legislation;  
30 and  
31





1 WHEREAS, many of the county ethics boards or commissions  
2 lack the necessary resources to adequately meet their  
3 constitutionally mandated obligations; and  
4

5 WHEREAS, limited or no staffing prevents these county  
6 ethics boards or commissions from sufficiently investigating  
7 complaints, providing advice to current county employees, or  
8 offering trainings on how to follow the pertinent code of  
9 ethics; now, therefore,  
10

11 BE IT RESOLVED by the House of Representatives of the  
12 Thirty-second Legislature of the State of Hawaii, Regular  
13 Session of 2023, that the counties are urged to devote  
14 sufficient funding to their respective county ethics boards or  
15 commissions; and  
16

17 BE IT FURTHER RESOLVED that certified copies of this  
18 Resolution be transmitted to the Executive Director and General  
19 Counsel of the Hawaii State Ethics Commission, Chair of the  
20 Hawaii State Ethics Commission, City and County of Honolulu  
21 Mayor, County of Maui Mayor, County of Kauai Mayor, County of  
22 Hawaii Mayor, Chair of the Honolulu City Council, Executive  
23 Director and Legal Counsel of the City and County of Honolulu  
24 Ethics Commission, Chair of the Maui County Council, Chair of  
25 the County of Maui Board of Ethics, Chair of the Kauai County  
26 Council, Chair of the County of Kauai Board of Ethics, Chair of  
27 the County of Hawaii Board of Ethics, and Chair of the County of  
28 Hawaii County Council.  
29  
30  
31

OFFERED BY: 

JAN 25 2023

