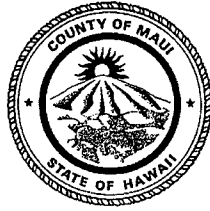


MICHAEL P. VICTORINO  
Mayor

SANDY K. BAZ  
Acting Managing Director



COUNTY OF MAUI  
**OFFICE OF THE MAYOR**  
200 SOUTH HIGH STREET  
WAILUKU, HI 96793

RECEIVED

2019 JAN 14 PM 4: 20

OFFICE OF THE  
COUNTY COUNCIL

January 14, 2019

Mike Molina, Chair  
GET Committee  
Maui County Council  
c/o 200 S. High Street, 7<sup>th</sup> Floor  
Wailuku, Hawaii 96793

**RE: GET-1; Director Appointment for the Department of the Prosecuting Attorney**

Dear Chair Molina:

For your review, enclosed please find:

1. County of Maui Job Description for the Prosecuting Attorney
2. Ordinance No. 4848, Bill No. 44 (2018) of the Maui County Code
3. Resume for John D. Kim

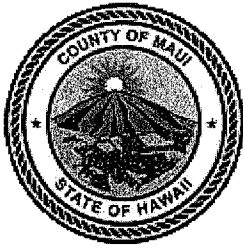
Thank you for your consideration of this applicant. Should you have any questions or concerns, please do not hesitate to call me at ext. 5535.

Sincerely,

Handwritten signature of Michael P. Victorino in black ink.

MICHAEL P. VICTORINO  
Mayor, County of Maui

Enclosures



# PROSECUTING ATTORNEY

Class Code:  
0C.055

Bargaining Unit: N/A

COUNTY OF MAUI

Established Date: Dec 12, 2018

Revision Date: Dec 14, 2018

## **DUTIES SUMMARY:**

- Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council. Deputy prosecuting attorneys shall be exempt from civil service and shall serve at the pleasure of the prosecuting attorney.
- Attend all courts in the county and conduct, on behalf of the people, all prosecutions therein for offenses against the laws of the State and the ordinances and rules of the county.
- Appear in every criminal case where there is a change of venue from the courts in the county and prosecute the same in any jurisdiction to which the same is changed or removed.
- Institute proceedings, or direct the chief of police to do so, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of public offenses when the prosecuting attorney has information that any such offenses have been committed, and for that purpose take charge of criminal cases before a judge of a court of competent jurisdiction, either in person or by a deputy or by such other prosecuting officer as the prosecuting attorney shall designate.
- Draw all indictments and attend before the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before a judge or courts of record under the direction of the prosecuting attorney.
- Prosecute administrative violations of the liquor laws before the board of liquor adjudication.
- Perform such other duties and functions as shall be assigned by the mayor.

## **MINIMUM QUALIFICATION REQUIREMENTS:**

- Be a citizen of the United States.
- Be a resident of the State for at least one year immediately preceding the appointment.

- Be an attorney licensed to practice and in good standing before the Supreme Court of the State.
- Have engaged in the practice of law for at least five years. (Amended 2016, 1992)
- As a part of or in addition to the five years of experience in the practice of law, three years of criminal litigation experience.
- As a part of or in addition to the five years of experience in the practice of law, three years of responsible managerial and budgetary experience.
- As a part of or in addition to the five years of experience in the practice of law, three years of experience in one or more of the following functions: attending and appearing in courts of competent jurisdiction, and prosecuting criminal offenses on behalf of a municipality or other governmental entity or defending against such proceedings; instituting proceedings, or directing the chief of police of a municipality or other governmental entity to institute proceedings, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of criminal offenses; drawing and presenting indictments to a grand jury for consideration; and prosecuting administrative violations of liquor laws.

ORDINANCE NO. 4848

BILL NO. 44 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS  
FOR THE CORPORATION COUNSEL AND PROSECUTING ATTORNEY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to establish additional qualifications for the Corporation Counsel and Prosecuting Attorney, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter"). Section 6-4 of the Charter authorizes the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter. More specific qualifications will help identify skilled, experienced individuals to lead the County's departments, strengthen operations, and better serve the public.

SECTION 2. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**"2.14.100 Corporation counsel.** The corporation counsel shall have the following minimum qualifications:

1. As set forth in the charter, the corporation counsel shall be an attorney licensed to practice and in good standing before the Hawaii supreme court.

2. As set forth in the charter, the corporation counsel shall have engaged in the practice of law for five years.

3. As a part of or in addition to the five years of experience in the practice of law, three years of civil litigation experience.

4. As a part of or in addition to the five years of experience in the practice of law, three years of responsible managerial and budgetary experience.

5. As a part of or in addition to the five years of experience in the practice of law, three years of experience in one or more of the following functions:

a. Serving as chief legal advisor or legal representative of a municipality or other governmental entity, its departments, boards and commissions, or officers and employees in matters relating to their official duties.

b. Representing a public or private entity in legal proceedings.

SECTION 3. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**“2.14.110 Prosecuting attorney.** The prosecuting attorney shall have the following minimum qualifications:

1. As set forth in the charter, the prosecuting attorney shall be an attorney licensed to practice and in good standing before the Hawaii supreme court.

2. As set forth in the charter, the prosecuting attorney shall have engaged in the practice of law for five years.

3. As a part of in addition to the five years of experience in the practice of law, three years of criminal litigation experience.

4. As a part of or in addition to the five years of experience in the practice of law, three years of responsible managerial and budgetary experience.

5. As a part of or in addition to the five years of experience in the practice of law, three years of experience in one or more of the following functions:

a. Attending and appearing in courts of competent jurisdiction, and prosecuting criminal offenses on behalf of a municipality or other governmental entity or defending against such proceedings.

b. Instituting proceedings, or directing the chief of police of a municipality or other governmental entity to institute proceedings, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of criminal offenses.

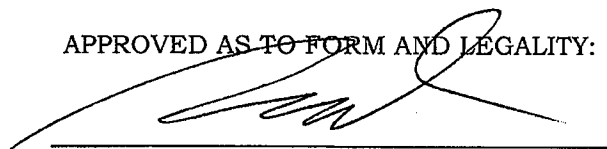
c. Drawing and presenting indictments to a grand jury for consideration.

d. Prosecuting administrative violations of liquor laws."

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to be "J. M. ...", is written over a horizontal line.

Department of the Corporation Counsel  
County of Maui

pea:misc:027abill10(corp counsel-pros atty)

I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 44 (2018) was passed on Second and Final Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of April, 2018, by the following vote:

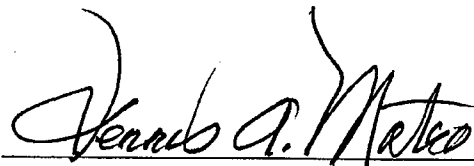
AYES: Councilmembers Alike Atay, Eleanora Cochran, Donald S. Guzman, G. Riki Hokama, Kelly T. King, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmember S. Stacy Crivello.

I FURTHER CERTIFY that on the 23rd day of April, 2018, said BILL NO. 44 (2018) was presented to the Mayor of the County of Maui for his approval or otherwise; that on the 24th day of April, 2018, the Mayor returned said BILL NO. 44 (2018) without his signature; therefore, pursuant to Section 4-3 of the Charter of the County of Maui, said BILL NO. 44 (2018) was designated as ORDINANCE NO. 4848 of the County of Maui.

DATED at Wailuku, Maui, Hawaii, this 24th day of April, 2018.



DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Passed First Reading: April 6, 2018

Effective Date of Ordinance: January 2, 2019

**JOHN D. KIM**

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**Prosecuting Attorney County of Maui**

**January 2011 to Present**

Director of the Department of the Prosecuting Attorney for Maui County. Budget and Personnel management for seven (7) years for this department.

**Deputy Prosecuting Attorney County of Maui**

**July 2007 to December 2010**

Circuit Court Trial Attorney responsible for all aspect of prosecuting criminal cases.  
Drug Court Attorney responsible for admission and termination to the Maui Drug Court Program, which includes the weekly monitoring of Drug Court participants weekly status.

**Deputy Corporation Counsel County of Maui**

**March 2000 to July 2007**

Labor law involving personnel issues including grievances and arbitration resolution  
Boards and Commissions: Civil Service Commission, Public Safety Commission, Animal Control Board, Commission on Person's with Disabilities, Board of Ethics and Salary Commission  
Assigned to Department of Fire Control, Maui Police Department, Department of Parks and Recreation, Department of the Prosecuting Attorney and Department of Personnel Services  
Other assignments include: Interpleader, Unemployment Compensation Hearings, Uniform Discipline Committee, and Interest Arbitration

**Deputy Prosecuting Attorney County of Maui**

**July 1991 to February 2000**

Circuit Court Trial Attorney responsible for all aspect of prosecuting criminal cases.  
Screening Attorney responsible for review of all criminal cases submitted by police department; assist in investigations in warrant review, grand jury presentation and investigation, preliminary hearing presentations, extraditions, and material witness orders.

**Deputy Attorney General, State of Hawaii**

**June 1990 to July 1991**

Administration Division responsible for Department of Education, Maui County  
Assist Regulatory Division Child Protective Services and Department of Health cases

**Deputy Prosecuting Attorney County of Maui**

**December 1985 to June 1990**

Circuit Court Trial Attorney responsible for all aspect of prosecuting criminal cases  
District Court Division with an assignment to DUI Taskforce, Misdemeanor and Traffic violations, and Land Use and Code Violations

**EDUCATION:**

Temple University School of Law, Juris Doctor 1985

University of Hawaii at Manoa, Bachelor of Arts and Science Zoology 1979

Waianae High School 1972