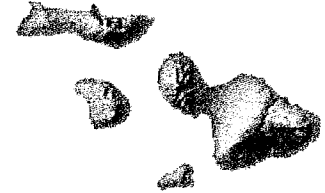
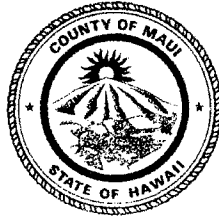


MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director

TYSON K. MIYAKE
Deputy Managing Director



DEPARTMENT OF MANAGEMENT
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

March 11, 2019

Mike Molina, Chair
GET Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Molina:

**SUBJECT: APPOINTMENT AND REMOVAL OF ADMINISTRATIVE
HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY)
(GET-1(3))**

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 Don S. Guzman
4. Hawaii State Bar Association Listing

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

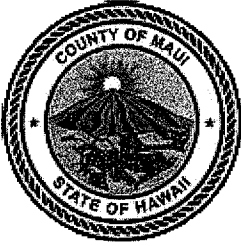
Sincerely,

A handwritten signature in cursive script that reads "Michael P. Victorino".

MICHAEL P. VICTORINO
Mayor

Enclosures

RECEIVED AT GET MEETING ON 3/12/19



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.

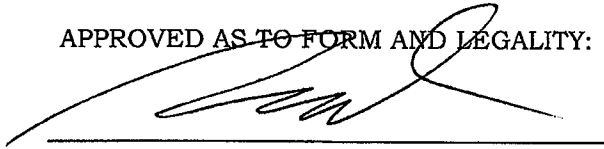
c. Drawing and presenting indictments to a grand jury for consideration.

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 solid 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:

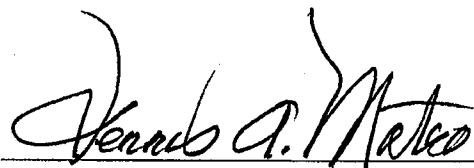
AYES: Councilmembers Alika Atay, Eleanora Cochran, Donald S. Guzman, G. Riki Hokama, Kelly T. King, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

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

Don S. Guzman

Present Address: 46 Kamaiki Circle, Kahului, HI 96732 (808) 281-3773
Mailing Address: Don@donguzmanmaui.com

LICENSE Hawaii State Bar, admitted to State & Fed. Ct. 5/2/00, Attorney # 7371

EDUCATION Ohio Northern University College of Law, Ada, OH

- **Juris Doctor, 8/ '98**
- Moot Court Finalist, Client Counseling Award
- Asian Pacific American Law Student Assoc. National Service Award

Creighton University, Omaha, NE

- **Bachelor of Arts & Science, 8/ '92**
- Double Major: Sociology / Biology Co-Major
- Academic Dean's List

WORK EXPERIENCE **Councilmember Elected Representative 1/02/13 - Present** 12/31/18
Chair of Legal Affairs Committee County of Maui, 1/02/14 – Present;

- ★ *Councilmember*
- ★ *Chair Legal Affairs COM*
- ★ *Civil Attorney*
- ★ *Cong. Field Rep.*
- ★ *Deputy Prosecutor*
- ★ *Judicial Clerk*

- Experience & knowledge of legislative and administrative procedures, county codes, drafting bills and working with communities, departments, and agencies to assure balance and cooperation for benefit of our community. Active leadership in specific government and community projects.
- Leadership positions held - Council Committees for following subjects: Chair of Legal Affairs Committee; Chair Committee of the Whole; Chair of Economic Development, Energy, Agriculture, and Parks & Recreation; Vice Chair Land Use Committee; and Vice Chair Infrastructure Environmental Management Committee.
- Vice Chair of entire Council '15-'17, administrative decisions & duties for council services and council chair office, oversee service employees and council staff.
- Management & Supervisor experience.

- **Chair of Legal Affairs & Committee of Whole** – handling legislative and administrative policy decisions involving ALL County of Maui litigation, settlements, internal departmental legal issues, worker's compensation claims, all liabilities and Risk Management matters. Direct communications with corporation counsel deputies involving case analysis and recommendations. Review and approval of major government contracts. Litigation matters involving the County as a plaintiff and defendant including analysis of cases and authorization to settle and indemnifications. Hiring of Special Counsel, review and authorization of conflicts of interests. Initiate and conduct investigations of the operation of any department or function of the County; and oversight authority of Department of the Corporation Counsel, including ethics regulations, and Department of Prosecuting Attorney.
- EAR Committee Chair subject matter duties: Management and potential acquisition of public recreational lands, including parks, open space, natural and cultural resources and scenic view preservation, including grants of such real property; Business and economic development and agriculture issues; Energy issues including solar, geothermal, wind, biomass, hydropower, wave energy production, bio-fuel, power systems, and energy-efficient technologies for buildings; and oversight of operations of Dept. of Parks and Recreation.

Address: 200 S. High Street, Wailuku, HI 96793.

Civil Attorney 8/20/05 – 4/1/16

Private Practice, Law Offices of Don S. Guzman, ALC, Wailuku, HI;

- General Practice involving: Business Law; Contracts; Administrative Law; Employment Law; Business & Commercial Law; Landlord-Tenant; Real Estate Law; Construction disputes & contracts; Family Law (Child custody & Divorce); Estate Planning (Wills and Trusts); Tort (Personal Injury); Workers Compensation; Immigration and Criminal Law;
- Grand Jury Counsel, 2nd Circuit Court, State of Hawaii '06-'07
- Management and supervised staff.

Address: 115 N. Market Street, Wailuku, HI 96793.

Maui County Field Representative (Staff) 3/07 – 5/12

Congresswoman Mazie K. Hirono

- Maui County Field Representative for Representative Hirono, duties involved addressing constituent concerns, attending community meetings, public relations, and drafting reports & communications.

Address: 5-104 Prince Kuhio Federal Building, Honolulu, HI

Deputy Prosecutor 8/00 – 7/1/05

Prosecutors Office, County of Maui, HI;

- Representing the State and County in pursuing criminal cases;
- Trial Court appearances – extensive litigation experience handling misdemeanor and felony convictions, arraignments, plea negotiations, research and drafting of motions and briefs;
- Extensive multitasking skills handling voluminous case load and working with numerous agencies and local human resource services.
- Management and supervised staff of four.

Address: 150 South High St., Wailuku, HI 96793.

Legislative Aide 1/00 - 5/00

House of Representatives, Tom Okamura, Honolulu, HI;

- Coordinating public hearings and drafting reports for Education Committee
- Acting as liaison with leadership, committee chairs, maj. member, community activities
- Performing detailed research and analysis of issues and responding to constituents
- Draft and review legislative bills, resolutions, and certificates.
- Supervised one secretarial staff.

Address: State Capitol, Honolulu, HI

Judicial Law Clerk Intern 6/97 - 8/97

Intermediate Court of Appeals. Chief Judge James Burns, Honolulu, HI;

- Assisted ICA Chief Judge in researching questions of law, drafting Judicial Opinions, Decisions and memorandums; checking documents for accuracy,
- Responding to inquiries from attorneys, the public and organizations; performed tasks associated with the operation of the court;
- Earned academic credit via Law School's Judicial Externship program.

Address: Hawaii Intermediate Court of Appeals, P.O. Box 2560, Honolulu, HI 96804.

Multi-District Litigation Team Senior Paralegal 3/93 - 4/95

Dinsmore & Shohl Law Firm, Cincinnati, OH;

- Paralegal for large defense firm specializing in medical products liability issues;
- Assigned to legal team for Major silicone gel breast implant manufacturer;
- Senior Assistant to attorney in charge of Federal Multi-District Litigation class actions;
- legal research & writing, document discovery, Trial, and case management.
- Management and supervise multi-litigation staff of 6.

1900 Chemed Center, 255 East Fifth St., Cincinnati, OH 45202.

**COMPUTER
SKILLS**

Maui County Legis System, Lexis, Westlaw, Microsoft Word, WordPerfect, Excel, Internet Summations, and Pacer Federal Docket System;

**COMMUNITY
SERVICE &
ORGANIZATIONS**

Congressman Ed Case, Co-Community Liaison Assistant for Maui '03-'04;
United Filipino Council of Hawaii, State President '03-'04;
Bini At Ani, Filipino Community Task Force, Co-chair Admin. Committee;
March of Dimes, Maui Division, Board of Directors;
Maui Young Business Roundtable, Board of Directors '04;
Maui Filipino Chamber of Commerce, Legal Counsel '02-'04, '06-'07
Maui Filipino Community Council, Youth Programs Committee, member;
Saint Anthony Parish, Lector and Eucharistic Minister;
Hawaii State Bar Association, member;
Maui Bar Association, Board of Directors '02-'04;
Kiwanis Club of Kahului, member;
Democratic Party, Precinct Chair 04', 06'
Maui Filipino Centennial Celebration Coordinating Council, Event Chair '06
Phi Kappa Psi Alumni Association, volunteer Advisor;
U.S. Catholic Missions, volunteer;
Lady of Good Counsel, Parish Ministry Team, Lector '00;
Lahaina Junior Golf Association, founding member

Directory Results

Name Donald Setias Guzman
JD Number 007371
License Status [Active](#)
Employer Law Off. of Don S. Guzman
Address 115 N Market Street
Wailuku, HI 96793
USA
Phone (808) 281-3773
Fax
Email don@donguzmanmaui.com
Law School Ohio Northern U.
Graduated
Admitted HI Bar 6/2/2000

CONTACT US

Alakea Corporate Tower
1100 Alakea Street, Suite 1000
Honolulu, HI 96813

(808) 537-1868
webinfo@hsba.org



[Terms and Conditions](#)