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**Resident Testimony**  
**GET-19**

June 15, 2020

Maui County Council  
Governance, Ethics, and Transparency Committee  
250 South High Street - 8<sup>th</sup> Floor  
Wailuku, HI 96793

Attention: Committee Chair Mike Molina

Re: Special Counsel Disclosures

Dear Council Member Molina;

The proposed employment of special counsel for legal claims against mortgage lenders has extreme potential for conflicts of interests. Needless to say, professional law firms throughout the State of Hawai'i have represented mortgage lenders in the judicial foreclosure of countless local residents' homes.

Corporation Counsel Deputy Brian Bilberry's personal opinion in response to the staff attorney with State of Hawai'i Office of Information Practice ("OIP") investigation, reflects a conclusion which appears to contradict with both the spirit and adopted language of the State of Hawai'i Procurement Code.<sup>1</sup>

***"It is Corp Counsel's professional and ethical prerogative to confer with any client verbally and confidentially about any potential conflicts of interest involving retention of special counsel."***

When questioned by Council Member Tamara Paltin about attorney disclosures of conflicts of interests, Corporation Counsel Deputy attorney Gary Murai made an ethical statement about professional attorney rules and duties, as follows;

***"It is incumbent upon attorneys to disclose potential conflicts of interests."***

The Maui County Charter calls for the highest standards of ethical conduct so that the citizens may justifiably have trust and confidence in the integrity of government.<sup>2</sup> Through this Committee action and special counsel Resolution, may we request the Council establish by rule and policy that the Procurement process include written public disclosures of potential attorney conflicts of interest prior to the employment of special counsel.

Respectfully; *Christopher Salem*

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<sup>1</sup> HRS Chapter 103D-101 Requires identification and elimination of any conflict of interest during procurement to avoid appearance of impropriety or conflicts of personal interest and the interests of the State or Counties. All public employees shall conduct and participate in public procurement in an ethical manner. In conducting and participating in procurement, public employees shall; (11) Identify and eliminate any conflicts of interest.

<sup>2</sup> Maui County Charter Article 10 – Section 10-1.

## GET Committee

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**From:** Chris Salem <chrissalem8@yahoo.com>  
**Sent:** Monday, June 15, 2020 3:17 PM  
**To:** County Clerk; Maui\_County Council\_mailbox  
**Cc:** Mike J. Molina; Alice L. Lee; Keani N. Rawlins; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura; Shane M. Sinenci; Kelly King; Riki Hokama  
**Subject:** Resident Testimony GET-19 June 16 2020  
**Attachments:** Public Test GET-19 Mortgage.pdf