

Great Committee

From: Chris Salem <chrissalem8@yahoo.com>
Sent: Sunday, May 21, 2023 9:32 PM
To: Kristin Tarnstrom; Mayors Office; corpcoun@mauicounty.gov; Kekuhaupio Akana
Cc: Great Committee; David M. Raatz
Subject: Notice of Conflicts of Interest
Attachments: Salem Letter to CC 5 22 23.pdf

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Christopher Salem
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County of Maui
Department of The Corporation Counsel
200 South High Street, 3rd Floor
Wailuku, Hawaii

Attention: Director Victoria J. Takayesu

Re: GREAT – 11(8) RESOLUTION 23-82

Good Evening Director Takayesu,

On Saturday morning I was informed by a fellow resident that the above-referenced Resolution was posted on the GREAT Committee Agenda. As the Pro Se Plaintiff, I see no record of a communication from Deputy Tarnstrom regarding this hearing.

As the Court records reveal, there have been undisclosed conflicts of interest involving the previous 2nd Circuit Court Judge, who was recently removed from this case due to undisclosed professional and personal relationships with County officials and Corporation Counsel as a County attorney for over seven years. Under the leadership of former Director Moana Lutey, the Department of the Corporation Counsel failed to disclose upfront their knowledge of this conflicting relationship.

As such, a Motion has been prepared to the Court for the disqualification of Corporation Counsel from representing the County on claims which involve their conflicting conduct as the County's legal representatives. As a former staff member of the Office of the Mayor, Corporation Counsel was my legal representative. The whistleblower claims clearly allege Corporation Counsel is defending multiple actions in which they played a direct and unethical role. With that said;

Previous Settlement Offers from my legal counsel and government records pertaining to the above-entitled case appear to have been withheld from this Council during former Director Moana Lutey's representation. Last week, my attorney Brad Salter filed a Declaration with the 2nd Circuit Court stating as follows;

"Defendant's Corporation Counsel has failed to present the previously submitted offer to Maui County Council and has indicated no real interest in settlement on reasonable terms despite Plaintiff's efforts to mitigate potential financial damage to the County and the further discovery of material facts and government records that were not disclosed by Corporation Counsel despite their obligation to do so."

I have just noticed Deputy Tarnstrom and Mayor Bissen that Corporation Counsel is in Contempt of a Court Pre Trial Order by failing to enter into good faith settlement discussions or present a bonafide good faith offer of settlement. The Resolution before the Council speaks of attempts to reach resolution and negotiated settlements, which is simply not true. Conversely, I have complied with the Court Order and my legal counsel has previously presented multiple Rule 408 offers to Corporation Counsel.

Pursuant to Rule 4.2 of the Hawaii Rules of Professional Conduct, parties to a matter may communicate directly to each other...Communications authorized by law include, for example, the right of a party to a controversy with a government agency to speak with government officials about the matter.

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With that said, the County's failure to enforce its laws upon an unscrupulous developer and their professional consultants was the direct cause of the loss of my family's home and life savings. In exchange for releasing the County of Maui from liability, Mayor Victorino promised to right the wrongs by holding a private developer and their consultants accountable for their misdealings with County officials.

Standing in way were Corporation Counsel Director Moana Lutey and Planning Director Michele Mclean, who are no longer in leadership positions with the Bissen Administration. Their unlawful decisions and breach of their duties have now shifted the financial liability back onto the County. The question remains; *Why would Corporation Counsel Director Lutey and Planning Director Mclean not support Mayor Victorino's courageous and ethical decisions?*

With the hope and prayer that the suffering my family continues to endure will soon end under Mayor Bissen's direction, I have attached an Offer of Settlement for your consideration and discussion during tomorrow's hearing.

Respectfully;

Christopher Salem

'cc: Honorable Mayor Richard Bissen

Maui County Council Members

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