

Government Relations, Ethics, and Transparency Committee (2023-2025) on 2023-05-22 1:30 PM

Meeting Time: 05-22-23 13:30

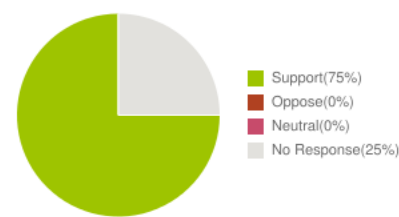
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Government Relations, Ethics, and Transparency Committee (2023-2025) on 2023-05-22 1:30 PM	05-22-23 13:30	6	4	3	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

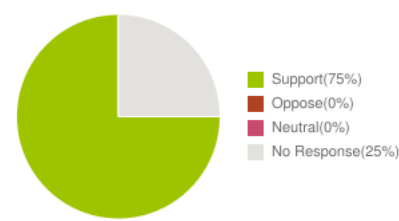


Agenda Name	Comments	Support	Oppose	Neutral
GREAT-11(8) Reso 23-82 LITIGATION MATTERS (RESOLUTION 23-82, RELATING TO SETTLEMENT AUTHORIZATION: CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL.; CIVIL 2CCV-21-0000048(2)) (GREAT-11(8))	4	3	0	0

Sentiments for All Agenda Items

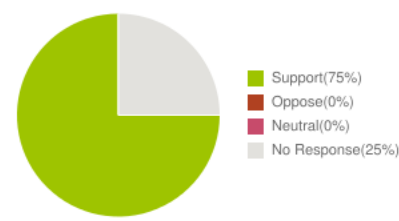
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for GREAT-11(8) Reso 23-82 LITIGATION MATTERS (RESOLUTION 23-82, RELATING TO SETTLEMENT AUTHORIZATION: CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL.; CIVIL 2CCV-21-0000048(2)) (GREAT-11(8))

Overall Sentiment



Guest User

Location:
Submitted At: 12:39pm 05-22-23

Resolution No. 23-82 AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048(2)

Dear Council members,

I served as a paralegal to attorneys representing Mr. Salem. His documented and verifiable whistleblower claims, which address numerous acts of fraud, concealment and falsification of government records, continue to be diminished and obstructed by attorneys in the department of the Corporation Counsel continuing the pattern of obstruction by former County Officials from the previous administration. After years of research involving the

underlying County government corruption, I hosted a television program on Akaku during the Victorino Administration, called "Maui Real News". The concealment of government records by County Officials over two decades, which reveal fraud by a Developer and the Unemori Engineering Firm is the direct and, or proximate cause of over 6.5 million dollars of actual financial losses to Mr. Salem, not counting the extensive professional and personal harm done to him by the County. Because of County Officials in Corporation Counsel and Public Works covering-up their own wrongdoing for decades; SMA permit documents were concealed from both the Federal Bankruptcy Court and the Circuit Court by the County, Developer, and Unemori Engineering. This prevented Mr. Salem from removing unlawful liens on his 4 million dollar home he built and designed himself, which resulted in its foreclosure. Meanwhile, Mr. Salem was serving our County, through to recent time as a County employee. Hired as a staff member of the Victorino Administration, he was tasked with bringing millions of dollars of recovery due to thousands of unassessed and uncollected development deferral agreements discovered by Mr. Salem during his tenure as an executive assistant to Council Member Sol Kaho'ohalahala. His efforts to recover these monies owed to the County have been blocked by two previous administrations, and this Council, due to the false representations by the Department of the Corporation Counsel and the Dept of Public Works and Planning which have continued to cover-up and conceal the facts contained in government records. These records will now come out in hearings on motions scheduled by Mr. Salem and at trial. It is time for a reckoning. The Department of the Corporation Counsel has exposed the County of Maui to immense liability and continue to do so. This Council has no time to review the records, this Administration is new to all this, including the newly appointed Director of the Dept. of the Corporation Counsel being advised by those in her department who have perpetrated this fraud upon the County through false representations in Court documents and misleading the Council with inaccurate and misleading information. These Attorneys have included, but are not limited to, Directors Patrick Wong and Moana Lutey and which presently continue with Attorney Brian Bilberry, Kristen Tarnstrom, Michael Hopper, Caleb Rowe.

Both Mr. Samuel Small's detailed and comprehensive Affidavit, supported by public government records; as well as my own thorough documented research (including role of Unemori Engineering, the oldest and largest Engineering firm on Maui, which presently receives lucrative County and State government contracts), are all being made available to the Council, this Administration and the Courts in support of his Mr. Salem's valid and legitimate claims.

As an example of a continuing matter of corruption pertaining to one Mr. Salem's whistleblowing claims; former Director of Planning, Michelle McLean obstructed my RFS for a Field Inspection of the subject matter property to expose the documented fraud by Unemori Engineering and the Developer in the conditions for subdivision approval, unfulfilled to present-day. Planning via Corporation Counsel has successfully blocked a documented field inspection by their respective departments despite the evidence presented of the ongoing unlawful subdivision. That is because such a determination by a Director of Planning would go out-of-their-control, if they made false representations, and be appealable to the Planning Commission for review. Such inspection has been blocked by the Planning Directors and Corporation Counsels of the past two administrations. That is because it will expose the enrichment of developers at the County Taxpayers expense by County Officials; their own unclean hands, and lead to the discovery of numerous and other such malfeasance.

And this is all just the tip of the iceberg. While I support a just settlement for Mr. Salem, I do not believe that Corporation Counsel has any such thing in mind. While they do not want to expose decades of wrongdoing by their past two Directors and other Department Directors and deputies, their approach is to diminish the credibility the resident bringing forth accountability. They will continue to snow this Council who relies upon them to the County's detriment. However, this time, I am looking forward to it. That means they will expose the County as they have done with cases like Montana Beach, Palama Drive, Olowalu, and now Chris Salem. I look forward this time to the County being taken to the cleaners at trial and recommend that Mr. Salem seek significant punitive damages as well as the value of his home he lost. This time, however, I expect investigations arising from our evidence in this case leading to the possibility of racketeering charges of past and present County Officials and the disbarment of law licenses, and criminal penalties. It will be demonstrated, for example, that Corp Counsel Attorney Caleb Rowe, made false representations about Mr. Salem's property and the aforementioned SMA permit to the Federal Bankruptcy Court which can become felony charges. Much to come. Let the heads roll. I mean, let the good times roll. _

Guest User

Location:

MAUI COUNTY COUNCIL

GREAT-11(8) MAY 22, 2023

Resolution No. 23-82 AUTHORIZING SETTLEMENT OF
CHRISTOPHER SALEM VS. COUNTY OF MAUI, ET AL.,
CIVIL NO. 2CCV-21-0000048(2)

TESTIMONY OF BOND A. ROWE

To whom it may concern. My name is Bond A. (Gus) Rowe. By way of background, I've known Chris Salem for 48 years, beginning in 1975 when we first met in high school. We were roommates when during our early college years. I consider Chris not only the best of friends, but also a man of the highest character and integrity.

As for myself, I graduated from San Diego State University in 1982 with a degree in business administration/finance, after which I began a 25 year career in banking as a loan officer and compliance officer for large community bank holding company based in Colorado and Kansas. In 1989, I graduated from the National Compliance School at the University of Oklahoma. At that time I was legal compliance officer for the bank I was associated with. In 1993, I successfully completed the 3 year Graduate School of Banking at the University of Colorado, Boulder.

After moving on from that career in 2009, I returned to the Southern California area where I attended and successfully completed the Advanced Paralegal Program at the University of California San Diego in June 2010.

On May 1, 2013 I moved to Maui to work as a broker assistant for Bay Realty, Inc. dba TRH. I remain with that company today, having left Maui in November 2019, working remotely from my home near Lake Wales, Florida. Despite my excellent position with this company, I could no longer to afford to live on Maui.

In August 2013, my son Jess D. Rowe, moved to Maui to stay with me and seek gainful employment. At that time, Chris Salem was general manager for TRH. Chris offered my son Jess an opportunity to conduct research and catalogue a large amount of documents regarding development agreements which were recorded on real property titles island wide. Chris paid for Jess' computer services out of his own pocket. The thousands of copies of the developer agreements were printed on our office copier.

In early 2014, Jess decided island life wasn't for him so he moved back to his home state of Kansas. By that time he had already documented and accumulated a large amount of work product on Chris' behalf and turned all that into him in labeled notebooks prior to his departure in early 2014.

With that background, it has come to my attention certain allegations by County attorneys have been made that the research and cataloguing my son in fact did on Chris' behalf in the latter part of 2013 was instead completed by Chris during his tenure as a staff member of the Mayor's office.

I'm here to state unequivocally and categorically that is an absolutely false allegation in every fashion, as I was a first hand witness to the work my son did for Chris the latter part of 2013. As further evidence of that, attached is a photo taken of Jess in my office at 713 Front Street, Lahaina, Hi. on September 19, 2013. As can be clearly seen in this photo there's a large stack of documentation on the desk to Jess' left, all of which was work product he did on Chris' behalf.

I must also mention that during my years on Maui, I lived in the Olowalu Mauka subdivision. I witnessed Chris'

efforts on behalf of the owners to hold the developer's responsible for their subdivision conditions in their SMA Permit. The extensive infrastructure and drainage improvements you see around Olowalu store are a result of these efforts.

I am deeply upset watching what has happened to my life long friend and his family at the hands of County officials. As a paralegal, I believe it is my responsibility to document in an affidavit what I know to be true.

Bond A. (Gus) Rowe
P.O. Box 8583
Lakeshore, FL. 33854
(620) 376-8134 (cell)

Andrew Isoda

Location:

Submitted At: 9:13am 05-22-23

It is disgrace that a whistle-blower has not been treated fairly. This abomination of a monolith in my neighborhood is a huge stain on the Government of Maui. Fix this now. Clear Chris Salem's name and shut this project down. Mayor Bissen: Fix this mess.

Andrew Isoda
Napili

Sam Small

Location:

Submitted At: 10:14pm 05-21-23

All the many court documents I've carefully reviewed show me that Chris Salem was wrongfully terminated from his job as Legislative Analyst, a job I helped convince Mayor Victorino to give him, for blowing the whistle on the corruption Chris discovered and reported while a County Employee: such as:

1) Corp Council and Public Work's bogus "Mistake" that allowed developers island-wide to enjoy an infrastructure exemption that was only ever intended to benefit families on the Upcountry water meter wait list. A "mistake" Chair Lee seemed willing to fix only after one of her friends was able to get an undeserved exemption adding millions of dollars in value to his property in Ioa Valley.

2) Greg Brown's infamous Monster Hotel in Napili where Former Planning Director Michelle Mclean has acknowledged Chris Salem's correctness on the issues he blew the whistle on while working for the Mayor. Instead of holding Brown accountable for his many obvious permit misrepresentations, McLean invented bogus new policies to let Brown continue to violate SMA laws and the public's rights.

3) Another development in Napili where Luety and Mclean have improperly blocked enforcement of a developer's SMA permit, which Mayor Victorino himself acknowledged knowing was still in violation and which was the cause of Salem losing his family home to a foreclosure manipulated through obviously false government records that Former Public Works Director Milton Arakawa manufactured to protect his former private clients.

4) Moana Lutey's improper interference with the Independent Audit of the 3-Lot-or-Less Deferral Agreements, worth tens, if not hundreds of millions in financial recovery to the County from private developers.

This settlement is about the agreement that I helped negotiate between Mayor Victorino and Chris Salem to hold developers accountable for their violations in return for releasing the County from all financial liability.

Who's unclean hands is Corporation Counsel protecting by trying to kill their agreement and who authorized them to redirect that financial liability back onto the County and taxpayers?

Today's Reso states that Corporation Counsel made: "attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment..." That's a gross misrepresentation by attorney Tarnstrom. Corp

Counsel never once returned a bona fide counteroffer to Chris Salem, as they are compelled by law to do.

This reso should have been posted back in February. It's here now only because Chris Salem promised to file Contempt of Court charges against Corp Counsel. Chair Lee cleverly introduced this reso as coming "At the request of the Mayor". Was that to deflect any criticism from her exposed "friends" for letting it get this far?

Perhaps it's the missing bona fide counteroffer that you will be asked to facilitate today and if so you deserve to hear more than just Corp Counsel's deeply conflicted version of all this. Certainly, Lutey and Lee with McLean as her exec cannot be allowed in executive session. Corp Counsel in its entirety is conflicted too, outside counsel is required.

I probably know more about all this than anyone other than Chris Salem himself so if you want to add me as a community resource to describe the reality that I know to be true, I'm happy to appear.

I'll tell you that Salem's primary goal has never wavered from protecting the public's interest by getting the County to enforce existing ordinances on developers who are in violation of their permits, like Brown and others, which, sadly, happens to place Corporation Counsel in a seriously conflicted position.

Those enforcement actions are in the hands of the Bissen Administration, not this Council and so for any settlement discussion to be effective, Mayor Bissen must be on-board, just as Mayor Victorino was on-board before Moana Lutey and Michelle McLean interfered.

I'd also share my experience of Judge Kirstin Hamman recusing herself because she misled the court about her prior role as a Council Services Legal Advisor to Mike Victorino's Infrastructure committee when Chris Salem's first blown whistle forced an end to Corporation Counsel's abuse of the 3-Lot-or-Less Deferral Agreement program.

At the time, Council Services attorneys negligently did not advise the Council on a method to actually collect on the thousand of agreements Corporation Counsel wrote for over 40 years. Despite the program's end Corp Counsel continued to write new agreements for an additional five years, with no way to collect.

Judge Hamman recused herself after ruling to release Mike Victorino as a private citizen. I believe her rulings will be overturned, just as I believe Corp Counsel will be forced to recuse themselves from this case entirely. I've seen the proof.

Chris Salem is not going away and has gone Pro se so he's no longer precluded from going after attorneys personally for their misrepresentations to the court as all the local attorneys I've spoken to are afraid to do because they want to stay part of the "club". It's only a matter of time before Chris Salem wins this case at far greater cost to the County.

Multiple letters and court documents are attached that substantiate all my characterizations here today.

Thank you
Sam Small
Makawao