

MAUI COUNTY BOARD OF ETHICS  
c/o Department of the Corporation Counsel  
200 South High Street, 3<sup>rd</sup> Floor  
Wailuku, Maui, Hawaii 96793  
Phone: 270-7740 Facsimile 270-7152

RECEIVED  
CORPORATION COUNSEL

2019 JAN 17 PM 1:35

**FINANCIAL DISCLOSURE STATEMENT (FDS)**

*for the Board of Ethics*

**LEGAL NAME OF FILER:**

Last: McLean First: Michele MI: N

**OTHER NAMES:**

(Please identify any other names you currently use, or have used, in public discourse or business, if any)

Michele Chouteau, Michele Chouteau McLean

Do you have a spouse? Check (X) Yes X or No \_\_\_\_\_

Do you have dependent children? Check (X) Yes \_\_\_\_\_ or No X

**MAILING ADDRESS:**

Street and No: 2200 Main Street, Suite 315 City: Wailuku Zip: 96793

Daytime Phone No: 808-270-7735 Email Address michele.mclean@co.maui.hi.us

This is a: ☒ First-time filing (Original within 15 days of appointment and/or oath of office; or concurrently with nomination papers)

(check one) ☐ Annual update (Due Jan. 1 – April 15 of every year)

☐ Interim new information update (Due within 30 days of any changes to info on previous FDS form)

I am a: ☐ **Candidate for public office**  
(check one) Name of public office/District: \_\_\_\_\_  
Date of filing of nomination papers: \_\_\_\_\_

☒ **Elected or appointed official of the County of Maui**  
Position title: Planning Director  
Date of oath of office: January 2, 2019

☐ **Board or Commission member**  
Name of Board/Commission: \_\_\_\_\_  
Date of appointment (month/year): \_\_\_\_\_

**ALL INFORMATION IS REQUIRED. FORM WILL BE RETURNED IF INCOMPLETE**

2019 JAN 29 AM 8:17  
OFFICE OF THE  
COUNTY COUNCIL

RECEIVED

## FINANCIAL DISCLOSURE STATEMENT

**GENERAL INSTRUCTIONS:** In accordance with the ordinances of the County of Maui and Rules of the Maui County Board of Ethics, the information provided on the following pages (Items 1 through 9) filed by Designated County Officials and Candidates shall be open to the public. Information provided by County Board or Commission Members shall be CONFIDENTIAL and is not for public distribution.

All questions must be answered on behalf of yourself (Filer), your spouse, and all dependent children. For each item, except Items 1 and 8, use abbreviations "F" for filer, "SP" for spouse, "DC" for dependent children, and "JT" for joint interests of the spouse and filer. **All items on the form must be completed. If you have no information to disclose under a particular item, check "None". Do not use "N/A".** If additional space is required to complete an item, check "Additional sheets attached". Make a copy of your completed financial disclosure form for your records for future reference.

Except when reporting gifts, disclosures need not be made by exact dollar amounts but may be reported by "range of value" and need not be reported in values less than \$1,000. You may indicate the value of a reportable interest by using the appropriate letter from the following codes:

\*For dollar amount value, please use appropriate letter code as follows:

- |                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| (A) \$1,000 to \$9,999   | (D) \$50,000 to \$99,999   | (G) \$500,000 or more |
| (B) \$10,000 to \$24,999 | (E) \$100,000 to \$199,999 |                       |
| (C) \$25,000 to \$49,999 | (F) \$200,000 to \$499,999 |                       |

<b>ITEM 1 – SOURCE OF INCOME</b> (Includes salary, wages and retirement income, from all sources, except social security income, unemployment income, or inheritances, for the previous calendar year. Identify the company, individual, or entity paying the income to you, your spouse, or dependent children.)		
OCCUPATION TITLE (For Previous Calendar Year)	EMPLOYER AND EMPLOYER ADDRESS (If retirement add source.) (Source of Income)	ANNUAL COMPENSATION (see letter codes)
Filer (Your Occupation):  Planning Director  <input type="checkbox"/> Check here if entry is No Income	Maui Planning Department 2200 Main Street, Suite 315 Wailuku, HI 96793	E
(Your Spouse's Occupation)  Carpenter  <input type="checkbox"/> Check here if entry is No Income	Paul McLean (self) 38 Hoku Place Paia, HI 96779	D
Occupation of Dependent Children  <input checked="" type="checkbox"/> Check here if entry is No Income		
<input type="checkbox"/> Check here if additional sheets are attached		

**ITEM 2 - OTHER EARNINGS, INCOME, OR COMPENSATION IN ANY FORM** (Other gross income includes, but is not limited to: income gain from business interests, capital gain from sale of real or personal property, rental income, interest income, dividends, royalties, forgiveness of a loan, or any other income reported in your federal and state income tax returns for the previous calendar year)

F, SP JT, DC	SOURCE OF INCOME OR COMPENSATION (Who is the income from?)	TYPE OF INCOME OR SERVICES RENDERED (What are you receiving the income for?)	ANNUAL AMOUNT (see letter codes)
F/SP F/SP F SP	Bank of Hawaii Dominion Energy Morgan Stanley Smith Barney American Savings Bank	Interest Dividends Dividends Interest	A A A A
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached			

**ITEM 3 - EACH OWNERSHIP OR BENEFICIAL INTEREST HELD IN ANY BUSINESS OR COMPANY DOING BUSINESS IN THE STATE OF HAWAII** (Business entities include, but are not limited to, sole proprietorships, partnerships, limited partnerships, limited liability companies, publicly or closely held corporations that are held in whole or in part)

F, SP JT, DC	NAME AND LOCATION OF BUSINESS	NATURE OF BUSINESS	PERCENT OF OWNERSHIP AND VALUE OF INVESTMENT (see letter codes)
<input checked="" type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached			

**ITEM 4 - IDENTIFY EACH INSOLVENT BUSINESS THAT CURRENTLY OWES YOU A DEBT**

F, SP JT, DC	NAME, ADDRESS/LOCATION OF INSOLVENT BUSINESS (A business unable to satisfy creditors or discharge liabilities)	AMOUNT OWED TO YOU BY AN INSOLVENT BUSINESS (see letter codes)
<input checked="" type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached		

F = Filer  
 SP = Spouse  
 JT = Joint Tenants  
 DC = Dependent Children

(A) \$1,000 to \$9,999  
 (B) \$10,000 to \$24,999  
 (C) \$25,000 to \$49,999

(D) \$50,000 to \$99,999  
 (E) \$100,000 to \$199,999  
 (F) \$200,000 to \$499,999  
 (G) \$500,000 or more

**ITEM 5 – DEBT** (List all creditors and current debt owed: Include mortgages, car and other loans, and credit cards – list only if balance exceeds \$1,000 at time of filing this disclosure)

F, SP JT, DC	NAME OF CREDITORS	PRESENT AMOUNT OWED (see letter codes)
F/SP	Wells Fargo Home Mortgage	E
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached		

**ITEM 6 - REAL PROPERTY INTERESTS OF ANY KIND IN THE STATE OF HAWAII** (Exclude personal residence. If real property interests are owned by a business entity, hui, or partnerships, indicate name of entity and general partner. State percentage of each person's interest in the property and estimated value. You may use tax assessed value.)

F, SP JT, DC	STREET ADDRESS OR TAX MAP KEY NO.	OWNERSHIP NAME OR BUSINESS NAME AND PARTNERS	PERCENT OWNERSHIP AND VALUE OF YOUR INTEREST (see letter codes)
<input checked="" type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached			

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 (E) \$100,000 to \$199,999  
 (F) \$200,000 to \$499,999  
 (G) \$500,000 or more

**ITEM 7 - OFFICER, DIRECTOR, BOARD MEMBER OR TRUSTEE POSITIONS** (Include companies and non-profits)

F, SP JT, DC	NAME AND ADDRESS OF ORGANIZATION/BUSINESS	TYPE OF POSITION HELD	NATURE OF BUSINESS/ORGANIZATION
F	Kahoolawe Island Reserve Commission	Chairperson, Maui County representative	State commission that oversees Kahoolawe
F	Maui Food Bank	Director (Board member)	Feeding Maui County's hungry
F	Paia Town Association	Director (Board member)	Promoting Paia Town
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached			

**ITEM 8 - PERSONS, FIRMS OR ORGANIZATIONS YOU (FILER) HAVE REPRESENTED OR TESTIFIED ON BEHALF OF BEFORE COUNTY AGENCIES CURRENTLY OR IN THE 12 MONTHS PRECEDING THE DATE OF FILING**

NAME OF PERSON, FIRM OR ORGANIZATION	NAME OF COUNTY AGENCY you have gone before to represent or testify on behalf of Person, Firm or Organization	NATURE OF MATTER
<input checked="" type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached		

**ITEM 9 - GIFTS RECEIVED WITHIN THE 12 MONTHS OF DATE OF FILING (See instructions below with regard to gifts)**

F, SP JT, DC	SOURCE, AND SOURCE'S BUSINESS ACTIVITY, IF ANY	DESCRIPTION OF GIFT AND DATE RECEIVED	ACTUAL VALUE OF GIFT (best estimate)
F/SP	Maui Humane Society	Fur Ball tickets (annual fundraising event) on September 29, 2018	2 @ \$175 each* (see note below)
F/SP	Goodfellow Brothers, contractor	Christmas party on December 1, 2018	2 @ \$100 each (estimate)
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached			

F = Filer

SP = Spouse

JT = Joint Tenants

DC = Dependent Children

**Gifts:**

Board of Ethics Rules Section (04-101-42)(9) states that Financial Disclosure Statements shall include "a description of any gift or gifts, valued singly or in the aggregate at \$50 or more, from a single source,

received directly or indirectly by the person, the person's spouse or dependent child within the preceding twelve months, the name of the source, the date the gift was received, and an estimate of the value of the gift, provided, however, that the following need not be included:

(A) Gifts received by will or intestate succession or by way of any inter vivos or testamentary trust established by a spouse or ancestor.

(B) Gifts from a spouse, fiancée, any consanguinity or the spouse of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph.

(C) Political campaign contributions that comply with the law.

(D) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable organization without being claimed as a charitable contribution for tax purposes.

(E) Exchanges of approximately equal value on holidays, birthdays, or special occasions.

(F) Anything available to or distributed to the public generally without regard to the official status of the recipient.

(G) Gifts offered to the County and received under chapter 3.56, Maui County Code."

**REMARKS: (Additional information or disclosures)**

\*For the Maui Humane Society's fundraising event, my husband and I were invited to sit at the table of a friend who is on the MHS Board. During the "auction" fundraising part of the program, we donated a total of \$600 cash. This would seem to fall under category (E) above as an "exchange of approximately equal value on .... special occasions" but it was included to ensure full disclosure.

**CERTIFICATION:** I hereby certify under penalty of perjury that the information contained in the Financial Disclosure Statement form above is a true, correct, and complete statement. **(Must be original signature, not electronic.)**



SIGNATURE OF PERSON FILING DISCLOSURE

Michele McLean

PRINT NAME

January 16, 2019

DATE

**For Board and Commission members:** Please submit your form through your Board or Commission secretary. **Do not submit directly to the Board of Ethics.**

**For Candidates for Public Office:** Please file a copy of your FDS concurrently with your nomination papers with the Office of the County Clerk (7<sup>th</sup> Floor, County Building), and your original FDS with the Board of Ethics (3<sup>rd</sup> Floor, County Building.)

**For Elected Officials and Appointed Officers:** Please file a copy of your FDS with the Office of the County Clerk (7<sup>th</sup> Floor, County Building), and the original with the Board of Ethics (3<sup>rd</sup> Floor, County Building.)

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Acting Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

January 16, 2019

Maui County Board of Ethics  
c/o Department of the Corporation Counsel  
200 South High Street  
Wailuku, Hawaii 96793

Dear Board Members:

**SUBJECT: FILING OF FINANCIAL DISCLOSURE STATEMENTS**

Pursuant to the email from Sandy Baz, Acting Managing Director, dated January 10, 2019, and the requirements of my appointment to the position of Acting Planning Director effective January 2, 2019, enclosed please find my updated Financial Disclosure form.

Should you have any questions, please call me at 270-1755.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele McLean".

MICHELE McLEAN  
Acting Planning Director

Attachment

MCM:atw

P:\Corporation Counsel\Financial Disclosure-Bd of Ethics-MCM2019.doc

**[§92F-3] General definitions.** Unless the context otherwise requires, in this chapter:

"Agency" means any unit of government in this State, any county, or any combination of counties; department; institution; board; commission; district; council; bureau; office; governing authority; other instrumentality of state or county government; or corporation or other establishment owned, operated, or managed by or on behalf of this State or any county, but does not include the nonadministrative functions of the courts of this State.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form.

"Individual" means a natural person.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

"Personal record" means any item, collection, or grouping of information about an individual that is maintained by an agency. It includes, but is not limited to, the individual's education, financial, medical, or employment history, or items that contain or make reference to the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. [L 1988, c 262, pt of §1]

### **Case Notes**

Nonprofit corporation was not an "agency" within the meaning of this section where because: (1) it was the sole title owner of its equipment and the lessee of its offices and facilities, it was not "owned" by the State; (2) the State did not manage its day-to-day operations and its employees were not state employees, it was not "operated" by the State; (3) the State did not control, direct, or exercise skill or judgment over corporation's activities or business affairs, it was not "managed" by the State; and (4) corporation's activities were not a required function of any government agency, it did not perform a government function "on behalf of" the State. 116 H. 337, 173 P.3d 484.

Where trial court determined that any unaccepted engineering reports were returned to the developer and there was a lack of evidence suggesting that the city planning and permitting department "maintained" any reports or copies of the reports that were unaccepted by the department, trial court properly determined that, pursuant to this chapter, the reports submitted to the department in connection with the developer's subdivision application did not constitute "government records" prior to their acceptance by the department. 119 H. 90, 194 P.3d 531.