

GET Committee

From: Eric Poulsen <eric@harrishawaii.com>
Sent: Monday, January 28, 2019 9:10 PM
To: GET Committee
Cc: Kelly King; citydesk@mauinews.com
Subject: Appointment Injustice

Members of the Maui County Council;

Good evening members of the Maui County Council and Honorable Chair Molina.

I will be unable to testify tomorrow morning before the GET Committee regarding Heads of Departments. Therefore, I will simply state my position here in writing as follows;

My congratulations to the newly elected members. We put our trust in your decision-making to serve the public interest and preserve this amazing creation we all call home, our cherished islands of Maui County.

I believe there are serious questions and concerns of due process which you may choose to present to Corporation Counsel before accepting or denying the proposed appointments.

In 2016, we the people supported this Council's Charter Amendment to provide the power to accept or deny the Mayor's proposed applicants for Director positions. Our vote is what established this legitimate constitutional public process we are engaged in today.

In 2016, we the people also supported this Council Charter Amendment to provide this Council with independent legal counsel. As the record shows, Mayor Victorino supported this constitutional amendment as an elected Council Member. During the recent elections, Mayor Victorino has honorably stated his continuing support for the Council to have its own legal Counsel.

It is clearly obvious that this Council is engaged in this new application vetting process without the benefit of that independent legal representation. How is this possible? We the people and this Council have the right to representation. I question whether this process and the resulting appointments could be challenged due to the failure of Corporation Counsel to ensure the constitutional amendment was implemented as voted upon.

Let's say a question is raised on an applicant's financial disclosures which we the people feel deserves further support and documentation. For example, is it not reasonable for the citizens to request supporting documentation for Mr. Wong's gambling earnings which came on the heels of his advising the Council to pay 13 million dollars to a developer through a conflicted / undisclosed legal associate?

This is not about the specific question or inquiry, it's about the process. If Mr. Wong or any other applicant objects to an inquiry by the citizens or this Council during questioning, who will the Council turn to to seek advice on whether we have rights to the information requested?

Every real world job applicant is subjected to background checks and requests for supporting documents. In the example provided, who will the Council turn to to ask the question of whether requests must be answered or required disclosures supported? Will questions about Mr. Wong's gambling background be presented to an attorney who works for Mr Wong?

thank you Council Member King for asking Mr. Wong in your questionnaire why he failed in his duty for over two years to ensure this Council has their own legal counsel. This was clearly his duty, and his response is offensive and self-serving.

From my view as a citizen, this selection process should be foreclosed upon under the grounds of clear violations of established Maui County Constitutional law. I also feel it is reasonable to consider Mr. Wong's breaches of his official duties as grounds for investigation and removal as the current Director.

I am seeking legal counsel to help advise me on my concerns as a taxpaying resident of Maui County.

Eric Poulsen