

GET Committee

From: Mike J. Molina
Sent: Wednesday, January 30, 2019 9:59 AM
To: GET Committee
Subject: FW: the key question regarding Patrick Wong and Michele McLean

From: Anthony Ranken <anthony@rankenlaw.com>
Sent: Wednesday, January 30, 2019 9:48 AM
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Subject: the key question regarding Patrick Wong and Michele McLean

Perhaps the most important question for tomorrow's hearing of the Governance, Ethics, and Transparency committee is this:

Why was the North Shore Zipline settlement agreement done in secret? Why is it still being kept secret? There's only one explanation we can think of, and it's a shameful one: because there was money that changed hands from the zipline operator to the County. If we were able to get an unredacted copy of the agreement it would probably say that the payment is a "fine" on the zipline operator for violating the law. But whatever it's called its purpose was to buy off the County government in exchange for their promise not to enforce that law. In the copy of the settlement agreement I obtained through my FOIA/UIPA request there was no mention of such a payment, but there were entire paragraphs of the agreement blacked out -- you can see that on the copy that's attached to our BVA appeal that I sent you. I have since learned that it is in those paragraphs where the payoff is discussed. That's what Michele McLean and Pat Wong apparently want to hide -- they don't want the public to know that they are allowing a developer to pay money in exchange for being granted land use privileges.

The secret procedure that Patrick Wong's office is following in this matter is highly unusual: Yesterday I was able to talk by phone and by e-mail with four of the five prior Maui County Corporation Counsels who are still alive, and none of them could remember any confidential settlement agreements that the County entered into on their watch. The most recent occupant of that position, Brian Moto, told me that he "detested" secret agreements of any kind and especially would never consider them in a land use case. He pointed out that in terms of land use cases he had some "doozies" during his tenure -- Montana Beach, Sprecklesville, Baldwin Beach -- and none of them or any others had confidentiality provisions.

I ask you to consider, as a member of the committee on Governance, **Ethics**, and **Transparency**:

Is this kind of shady, money-for-privileges deal consistent with your idea of government **ethics**?

Is this kind of secretly negotiated, confidential settlement what you see as **transparency** of government?

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