

## GET Committee

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**From:** margaret Akana <margaret.akana@yahoo.com>  
**Sent:** Wednesday, February 6, 2019 10:17 PM  
**To:** GET Committee  
**Subject:** David Goode

The former chief of field operations and maintenance in the Maui County Department of Public Works filed a federal whistleblower lawsuit this week, alleging she was removed from her position for refusing to remain quiet about the misuse of county-issued procurement cards and the repair of personal vehicles at county expense with replacement parts purchased with pCards.

According to the lawsuit, Public Works Department Director David Goode removed Lesli Lyn Otani from the position on March 29 and demoted her to the position of civil engineer V. She remains employed by the county, according to county Communications Director Rod Antone.

In a summary of Goode's letter, included in the lawsuit, he accused her of *"inappropriate and disrespectful comments," "bad management practices," "inappropriate behavior,"* micromanagement and of accusing Goode of setting her up and *"not having good intentions."*

Goode's letter refers to a Jan. 24 performance evaluation follow-up meeting in which Otani *"accused the department of retaliating against you for whistleblowing activities."*

The letter added that: *"After an extensive investigation, the Department of the Corporation Counsel has cleared Public Works of any retaliation for whistleblowing activities."*

On Wednesday, Antone released a statement. *"The county will aggressively defend against any and all lawsuits. However, we cannot comment on any pending litigation."*

In a statement of claims, the lawsuit says: Otani, a St. Anthony Junior-Senior High School and University of Notre Dame graduate, has had a *"stellar career"* as an engineer in both the private and public sectors. The Hawaii Society of Professional Engineers, Maui Chapter, recognized her as *"Young Engineer of the Year,"* and she received an award as *"Land Use & Codes Employee of the Year."* And, she received a certificate of excellence for *"best maintained federal flood control project – Kahoma Stream."*

On April 1, 2016, she was promoted to chief of field operations and maintenance, a position formerly held by Brian Hashiro, according to the lawsuit.

*“Hashiro had been in the Department of Public Works position at the start of and during a tumultuous period filled with allegations of widespread theft, misappropriation, abuse of county credit cards (pCards), neglect, mismanagement, and lack of oversight, which has resulted and/or has been followed by investigations, both criminal and by Maui corporation counsel, still ongoing.”*

The lawsuit notes that, prior to her appointment as department deputy director (a position typically filled by those with an engineering background), Rowena Dagdag-Andaya was a 2nd-grade teacher.

The lawsuit recalls a May 2015 story on KHON television that reported a *“longtime”* employee of the Wailuku Public Works baseyard was under investigation for using his pCard to build a *“commercial kitchen that rivals a restaurant.”*

The TV news report said that the employee spent *“tens of thousands of dollars”* of county money to build *“the fancy kitchen.”*

*“The news story was of no real surprise to the rank-file members of the department,”* the lawsuit says. *“Goode was also aware of the rumors from as far back as 2014.”*

In response to the story, Goode and Dagdag-Andaya *“took superficial measures that were simply too little or too late to stem the overwhelming evidence that continued to roll into the county of widespread theft, fraud and corruption.”*

Goode and Dagdag-Andaya ignored the problem for several years, the lawsuit says.

When Otani took over the job vacated by Hashiro, she began to receive anonymous tips and reports that the department’s Makawao garage, Kihei treatment plant and other departments and offices were *“plagued with the same or worse examples of theft, abuse of pCards and misappropriation,”* according to the lawsuit.

Otani continued to receive reports that Goode and Dagdag-Andaya *“were ignoring the misconduct occurring at the Makawao garage.”*

Problems at the garage included work on private ranch equipment, in connection with a employee’s side job, and *“that he and his subordinate employees regularly worked on private vehicles on work time, using parts and equipment purchased on . . . pCards.”*

The same employee, a supervisor, *“was alleged to have pocketed the money he charged the ranches,”* the lawsuit says.

*“Because (that employee) was a supervisor, he wielded the power and authority to pressure his subordinates to perform whatever tasks he assigned, regardless of whether they were on county or private vehicles,”* it says.

In investigating the garage, Otani discovered that the supervising employee had a pCard spending limit of \$40,000 while other employees typically had a cap of \$25,000 or less, the lawsuit says.

Another matter reported to Otani was that a supervising mechanic kept and maintained for his personal use a county *“ghost car,”* it says. *“According to the tipster, the ‘ghost car’ had no GPS system and had been stripped on the outside of any markings identifying it as belonging to the county.”*

According to the lawsuit, there was an *“illegal and hidden practice of county vehicles being sold by employees for private/personal gain.”* Otani traced a previous county bulldozer that had been replaced and determined that it had been traded in to a dealer by the county’s auto service coordinator as a *“zero dollar”* trade in, *“which was inconsistent with the more realistic \$75,000 to \$80,000 valuation of the bulldozer.”*

The situation raised red flags for Otani, who reported the matter to Goode and Dagdag-Andaya. To her surprise, neither authorized or suggested that the ongoing investigation into the Wailuku baseyard be expanded to the auto service coordinator’s bulldozer transaction and similar vehicle sales, the lawsuit says.

Otani is seeking punitive, special and exemplary damages, and she’s asking a federal court to award her back pay and future loss of earnings.

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