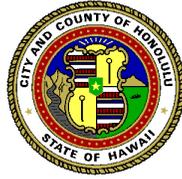


ETHICS COMMISSION  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



CHARLES W. TOTTO  
EXECUTIVE DIRECTOR & LEGAL COUNSEL

ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU

Date and Place: November 18, 2015  
Standard Financial Plaza  
Conference Room, Suite 211

Present: Katy Chen, Esq., Chair  
Michael Lilly, Esq., Vice Chair  
Stanford Yuen, P.E., Commissioner  
Stephen Silva, Commissioner  
Hon. Riki Amano (ret.), Commissioner  
Hon. Victoria Marks (ret), Commissioner  
Hon. Allene Suemori (ret), Commissioner  
Laurie A. Wong, Associate Legal Counsel (ALC)  
William "Bill" Shanafelt, Investigator III  
Geoffrey Kam, Deputy Corporation Counsel, Department of the  
Corporation Counsel (COR)  
Lynne Matusow, Member of the Public  
Cory Lum, Honolulu Civil Beat

Absent: Charles W. Totto, Executive Director and Legal Counsel (EDLC)

Stenographer: Lisa P. Parker, Legal Clerk III  
Kristine Bigornia, Legal Clerk I

**MINUTES OF THE NOVEMBER 18, 2015 OPEN SESSION MEETING**

I. CALL TO ORDER

Chair Chen called the meeting to order at 11:38 a.m.

II. NEW BUSINESS

A. Approval of Open Session Minutes of the October 21, 2015 Meeting.

Commissioner Suemori stated that she was at the October 21, 2015 meeting, and Commissioner Amano confirmed her attendance.

Chair Chen confirmed Commissioner Suemori's attendance to the adjudicative portion only (post-meeting) and asked if there were any additional changes to the Minutes. The Commission had no further comments and changes.

**With no further discussion, Commissioner Marks moved to approve the October 21, 2015 minutes, as amended. Commissioner Amano seconded. All were in favor, and the motion carried.**

Before entering into executive session, Chair Chen invited the public to testify on the executive session matters.

Lynne Matusow, a member from the public, introduced herself. She expressed her concern with the Commission's cancelled November 3, 2015 meeting, because the agenda did not meet the requirements of the Sunshine Law. She wanted to know who prepared the agenda, because, it was her understanding that the EDLC did not prepare the agenda.

Ms. Matusow also provided testimony in regard to the Sunshine Law's applicability to Item III.C., creating a permitted interaction group ("PIG"). She stated that the PIG's duties, members, and any voting must be done in Open Session.

In addition, Ms. Matusow testified briefly for another member of the public, Natalie Iwasa. Ms. Matusow informed the Commission that Ms. Iwasa submitted a proposed amendment to the City Charter Commission, to create an Inspector General (IG) agency which would be a government watchdog on behalf of residents and taxpayers to hold county representatives, officials and employees accountable, instead of the Ethics Commission. The IG would not be administratively attached to the Corporation Counsel.

Commissioner Marks stated that Ms. Matusow also submitted written testimony that was received by the Commission on November 2, 2015. Commissioner Marks further stated that the November 3, 2015 meeting agenda was prepared by the Commission's legal counsel, Corp Counsel Deputy Kam, and that the Corporation Counsel and the Office of Information Practices (OIP) had a difference of opinions regarding the requirements for the agenda. But, the Commission would certainly comply with the Sunshine Law, which was why the November 3 agenda items were postponed to this meeting.

In reference to the written testimony, Commissioner Marks asked Ms. Matusow to explain what, "rumors are flying fast and furious," and who was the source of the rumors. Ms. Matusow responded that people were talking amongst themselves and believed that the intent of the November 3, executive session was to fire the EDLC.

Commissioner Suemori asked for further clarification as to the source of the rumors. Ms. Matusow generally referenced the people in the community.

Commissioner Suemori asked Ms. Matusow how this conclusion arose. Ms. Matusow responded that it was because the Mayor and Corporation Counsel have fights with the EDLC; also there are issues with both the City and State Ethics Commission, as well as both City and State administrations.

Chair Chen stated that she did not believe that the agenda indicated that the EDLC was getting fired. Commissioner Suemori also agreed, and was surprised. Ms. Matusow responded that people believe that he was going to be fired based on that agenda item.

Commissioner Lilly responded that the administration and Mayor have no influence over the Commission and their deliberations. Commissioner Amano asked why the EDLC was not in attendance. Commissioner Silva responded that the EDLC was on medical leave.

Commissioner Marks advised Ms. Matusow that she should not believe every rumor she hears or reads. Ms. Matusow agreed, and mentioned that the media can be contradictory.

**Vice Chair Lilly moved to exit open session and enter into executive session. Commissioner Yuen seconded. All were in favor, and the motion carried.**

Everyone, including staff (ALC, Mr. Shanafelt, Ms. Parker and Ms. Bigornia), exited the conference room for the Commission to discuss the attorney-client privileged and executive session items with Deputy Kam.

### III. EXECUTIVE SESSION SUMMARY

At approximately 1:30 p.m. the Commission returned to Open Session. Staff returned to the meeting room, and Chair Chen reported the following:

III.A. Approval of Executive Session Minutes of the October 21, 2015 Meeting.

**The Executive Session Minutes were approved. All were in favor, and the motion carried.**

III.B. **Possible Workers Compensation Claim.** The Commission anticipates convening an executive session, pursuant to Hawaii Revised Statutes, Section 92-5(a) (4), to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities related to a possible workers' compensation claim.

**The Commission discussed the matter.**

III.C. **Formation of a Permitted Interaction Group to Investigate Office Conditions, Including Management, Personnel and Procedure Issues.** The Commission anticipates convening an executive session, pursuant to Hawaii Revised Statutes, Section 92-5(a) (4), to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges,

immunities and liabilities related to formation of a permitted interaction group to investigate office conditions, including management, personnel and procedure issues.

**Chair Chen asked for a motion to form a Permitted Interaction Group to Investigate Office Conditions. Commissioner Amano moved to form a permitted interaction group (“PIG”) to investigate office conditions. Commissioner Silva seconded the motion. The Commission voted as follows:**

**Aye – Commissioner Silva**

**Nay – Chair Chen, Vice Chair Lilly and Commissioners Yuen, Amano, Marks, Suemori**

**Abstained - None**

**The motion did not carry.**

**Chair Chen called for a motion to hire an independent investigator to investigate office conditions, including management and personnel procedure issues. Commissioner Marks so moved and Vice Chair Lilly seconded. All were in favor and the motion carried.**

#### **IV. ADJOURNMENT**

**Vice Chair Lilly moved to adjourn the meeting. Commissioner Yuen seconded. All were in favor, and the motion carried.**

The meeting adjourned at approximately 1:35 p.m.