

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

November 1, 2019

The Honorable Ikaika Anderson
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Anderson and Councilmembers:

Pursuant to Section 13-103(b) of the Revised Charter of the City and County of Honolulu, I hereby reappoint, subject to confirmation by your Honorable Body, Ms. Victoria Marks as a member of the Ethics Commission. Upon reappointment, Ms. Marks will serve for a term to expire on December 31, 2024. I would appreciate your favorable consideration of Ms. Mark's reappointment and request adoption by the City Council in the most expedient manner possible.

I have enclosed a draft resolution and Ms. Marks's personal information for your review. For any general inquiries you may have regarding this appointment, please contact my special assistant, Kevan Wong, at 768-6608.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell".

Kirk Caldwell
Mayor

Attachments

cc: Ms. Victoria Marks
Department of the Corporation Counsel
Ethics Commission

19 NOV 4 PM 1:59 CITY CLERK

CITY AND COUNTY OF HONOLULU
NOMINEE/APPOINTEE FORM

1. Position Nominated to: Honolulu Ethics Commission
2. Name: Victoria S. Marks
(First) (Middle) (Last)
3. Are you a citizen of the United States? Yes
Are you a resident of the City and County of Honolulu? Yes If yes, how long >20 years
Are you a registered voter in the City and County of Honolulu? Yes
4. Occupation: Retired Judge; Mediator/Arbitrator/Neutral
5. Name and address of employer or firm:
VSM, LLC
6. Does your employer do any business with the City and County of Honolulu? No
If yes, state the nature of business and approximate dollar amount in the last five years:

7. Do you or does any member of your immediate family hold office or own stock in any firm?
Yes
8. Does the firm do business with the City and County of Honolulu? No
If yes, provide details including the name(s) of the firm:
My husband & I have a variety of mutual funds
9. Do you have any part-time employment, professional activity, or financial interests other than those indicated in the previous question? No
If yes, provide details:

10. Do you foresee any possible conflict between your present work, financial investments, business transactions or any other activity which would be incompatible with the proper discharge of your official duties or hinder you from effectively carrying out the duties for which you have been appointed? No
11. Are any members of your family employed by the City and County of Honolulu or any attached agency? No
If yes, please specify the department and division:

12. Are there any incidents in your past that may jeopardize your nomination? No
13. Have you ever been convicted of a felony? No If yes, provide details:

14. Education:

Miami University, Oxford Ohio - B.A. Music Education
University of Cincinnati College of Law - JD

15. Provide a summary of major work experience for the last ten (10) years. Begin with your present job including military (attach additional sheets if necessary or resume):

I mediated and arbitrated various disputes, including medical malpractice, personal injury wrongful termination, sexual harassment, real estate disputes, condominium disputes, commercial matters, construction defects, trust & estate disputes, elder issues & divorce.

16. Community activities, etc. (also list any service on any other board or commission Federal, State or County):

American Judicature Society - Board member; Mediation Center of the Pacific - former Board Member; Hawaii Womens Legal Foundation - former Board Member; United Cerebral Palsy Association of Hawaii - former Board member

17. Have you ever been a member of a board or commission with the City and County of Honolulu?

Yes

If yes, provide name(s) of board/commission:

Honolulu Ethics Commission - 10/14 - present; Chair 2016- present

18. Will you be able to commit to the full term of this appointment? Yes

19. Will you be able to commit to meeting dates and times? Yes

20. Are you regularly away from Honolulu? Yes If yes, please explain:

My husband & I take vacations approx. twice per year. I also have an elderly mother who lives on the mainland and I visit her 3-4 times a year.

21. Are you willing to make a confidential financial disclosure to the city Ethics Commission upon appointment and yearly thereafter? Yes

22. What do you understand to be the prime duties of your county appointment?

Preside over regular Commission meetings; set priorities for the Commission; assist direct and guide staff with carrying out their duties.

The above statements made by me are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

Victoria S. Marks
(Signature)

Oct. 31, 2019
(Date)

The above statements made by me are true, complete, and correct to the best of my knowledge and *The completed form and any attachment(s) will be posted by the City Clerk and available on the City's DocuShare Website.*

Judge Victoria S. Marks (Ret.)

MEDIATOR/ARBITRATOR/NEUTRAL (Nov. 2009 – present)

Mediates and arbitrates sophisticated disputes, including personal injury, medical malpractice, wrongful termination, sexual harassment, real estate disputes, condominium disputes, commercial matters, construction defects, trust & estate disputes, elder issues and divorce. Also investigates workplace issues. Panel member for: Dispute Prevention & Resolution, Inc. (DPR).

JUDICIAL EXPERIENCE

Circuit Court of the First Circuit, State of Hawai'i (May 1994 - Oct. 2009)

Civil Trial Judge - Civil (6/03 – 10/09)

Involved in all phases of civil cases. Typical cases included medical malpractice, legal malpractice, construction, wrongful termination, sexual harassment, real estate, corporations and personal injury.

Pilot Project: Mixed Civil & Criminal (10/99 - 6/03)

Assigned to a Pilot Project handling all phases of both civil and felony criminal cases on an Individual Calendar. Typical cases included medical malpractice, legal malpractice, construction, wrongful termination, personal injury, murder, sexual assault and drug offenses.

Administrative Judge - Criminal Division (11/95 - 9/99)

Primarily responsible for managing and overseeing the felony criminal calendar for Honolulu (up to 3,500 cases per year). Other significant responsibilities included: handling arraignment and plea & motions calendars; overseeing grand jury operations; analyzing judicial workload and case tracking; supervising seven master calendar and four individual calendar trial judges and support staff; and acting as the Judiciary's liaison to state/city prosecuting agencies, defense bar, police, law enforcement agencies, correctional facilities, and the public on criminal justice issues.

Trial Judge - Criminal Division (5/94 - 11/95)

Judge in a master calendar system handling felony and misdemeanor criminal charges, including murders, sex assaults, white-collar crime and drug offenses.

Family Court of the First Circuit, State of Hawai'i

Lead Judge, Domestic Division (4/93 - 3/94; 5/91 - 1/92)

Responsible for the domestic relations calendar in Honolulu (over 5,000 yearly filings). Supervised three judges. Worked on the "Kids First" program.

Lead Judge, Juvenile Division (5/92 - 4/93)

Responsible for juvenile delinquency, child abuse & neglect and adoption calendars. Chaired the "Families Together Initiative" for the State of Hawai'i.

Per Diem Judge (9/88 - 2/91)

AWARDS

Super Lawyers 2019, 2018, 2017, 2016, 2015, 2014, 2013 and 2012
Best Lawyers in America, 2013 and 2012 – Arbitration and Mediation
Honolulu Lawyer of the Year in Arbitration – Best Lawyers in America 2012
Top 500 Judges in the United States - Lawdragon 2006
Hawai'i Jurist of the Year - 2003
Distinguished Service Award, Hawai'i Joint Police Association, 2003

APPOINTMENTS

Ethics Commission, City & County of Honolulu, 10/14 – present; Chair 2016 - present.

Chair, Hawaii 2011 Reapportionment Commission, 5/11 – 5/12

William S. Richardson School of Law, University of Hawai'i
Lecturer (Fall 2010 – Spring 2011)
Taught Professional Responsibility

University of Hawai'i, School of Public Health
Associate Clinical Professor (1996 - 1999)
Assistant Clinical Professor (1992 - 1996)
Lectured on domestic violence and child abuse & neglect.

University of Hawai'i, School of Social Work, Guest Lecturer

Brigham Young University - Hawai'i, School of Education, Guest Lecturer

Hawai'i Institute of Continuing Legal Education, Panel Member

Pacific Law Institute, Panel Member

PROFESSIONAL ORGANIZATIONS

American Judicature Society (Board member)
Mediation Center of the Pacific (former Board member)
Hawaii Women's Legal Foundation (former Board member; co-chair fundraiser 2010 & 2011)
United Cerebral Palsy Association of Hawaii (Board member)
Hawaii Soccer Association (former Board member)
Hawaii Women Lawyers
Hawai'i State Trial Judges Association (Vice President, 1994; retired 10/09)
American Association for Justice (former Judicial member)
National Council of Juvenile and Family Court Judges (former member)
Family Law Section, Hawaii State Bar Association (former member)
Child and Parents Advocates, Hawaii State Bar Association (former member)

COMMUNITY ACTIVITIES

American Judicature Society
Board of Directors, 12/05 – present

Mediation Center of the Pacific
Board of Directors, 1/08 – 6/16

Hawaii Women's Legal Foundation
Board of Directors, 07/09 - 2015

United Cerebral Palsy Association of Hawaii
Board of Directors, 11/08 - present

Hawaii Soccer Association
Board of Directors, Secretary 2006 – 1/17

COMMITTEE SERVICE

Standing Committee on the Rules of Evidence
Chair, 1/01 – 10/09

Judicial Education Committee
Member, 1991- 10/09
Secretary, 1993

Standing Committee on Judicial Selection, Retention and Accountability
American Judicature Society (Hawaii Chapter)
Co-Chair 4/09 – present

Committee to Evaluate Hawai'i's Revised Code of Judicial Conduct
Member, 5/07 - 4/08

Committee on the Judicial Selection System
American Judicature Society (Hawai'i Chapter)
Co-Chair 11/04 - 3/07

Special Committee on Judicial Selection and Retention
American Judicature Society (Hawai'i Chapter)
Member, 7/02 - 3/03

Attorneys and Judges Assistance Program
Board Member, 5/01 - 5/07

Single-Tier Trial Court Committee
Member 2/01 – 10/09

Executive Committee on Court Technology and Information Management
Member, 10/96 - 5/07

Bench/Bar Committee

Member, 1997 - 10/09

Achieving Court Excellence (ACE - Implementation of Judiciary Restructuring)

Member 1/99 - 9/99

Standing Committee on Pattern Criminal Jury Instructions

Member 11/95 - 10/01

Chair, 11/95 - 9/99

Plan Review Committee (Restructuring of the Judiciary)

Member 10/98 - 1/99

Committee to Review and Recommend Revisions to the Judicial Code of Conduct

Member 4/00 - 12/00

Intermediate Sanctions Steering Committee

Member 10/00 - 10/01

Governor's Committee on Crime

Judiciary's representative, 7/97 - 10/01

Special Committee on Judicial Performance Evaluation

American Judicature Society (Hawai'i Chapter)

Member 9/99 - 12/99

Hawaii State Bar Association Task Force on Public Protection

Member 9/99 - 12/99

Permanent Committee on Rules of Penal Procedure & Circuit Court Criminal Rules.

Chair, 11/95 - 9/99

Statewide Policy Advisory Committee

Member, 11/95 - 9/99

Circuit Court Operations Committee

Member, 11/95 - 9/99

Committee Regarding the Effective Use of Resources for the Disposition of Drug Offenses.

Member, 11/95 - 9/99

Committee to Evaluate the Current Master Calendaring System in the Civil Division, First Circuit Court

Member, 12/97 - 9/99

First Circuit Court Electronic Filing Committee

Member, 1997 - 9/99

Probation Committee

Member, 1996 - 9/99

LEGAL EXPERIENCE

**Regulated Industries Complaints Office (RICO)
Department of Commerce and Consumer Affairs**

RICO is responsible for bringing disciplinary proceedings against business licensees of the many professions and vocations licensed under Hawai'i law. RICO is also charged with enjoining unlicensed business activities.

Supervising Attorney (4/84 - 9/88)

Supervised eight attorneys and four clerical staff, while handling a full caseload.

Staff Attorney (11/82 - 4/84)

Tried a variety of disciplinary cases before an administrative hearings officer. Respondents in these proceedings included physicians, real estate brokers, contractors and motor vehicle dealers.

David W. Hall, Attorney at Law, A Law Corporation

Associate Attorney (1980 - 1982)

Private law practice in the areas of personal injury, antitrust, construction, commercial and criminal matters. Served as a member of the Federal Public Defender panel.

Edmunds, Hall & Weinberg, Attorneys at Law, A Law Corporation

Associate Attorney (1980)

David L. Turk, Attorney at Law, A Law Corporation

Associate Attorney (1978 - 1980)

EDUCATION

University of Cincinnati College of Law

Juris Doctor, 1977

National Moot Court Team

National Finalist

Lewis F. Powell Medallion for Excellence in Advocacy

Moot Court Co-Chairperson

Student Court Justice

Student Court Defense Counsel

Graduate Resident Advisor - women's dormitory

Miami University, Oxford, Ohio

B.A. Music Education, 1974

President's List

Dean's List

Tuition scholarship (4 years)

Delta Omicron (honorary) scholarship (2 years)

Symphonic Band: clarinet soloist

Marching Band

JUDGE VICTORIA S. MARKS (Ret.) BIO

Judge Marks served as a judge for 21 years – 15 years as a Judge for the Circuit Court of the First Circuit, State of Hawaii and 6 years as a Judge of the Family Court of the First Circuit, State of Hawaii.

Since retiring from the Judiciary Judge Marks has been a Mediator/Arbitrator/Neutral handling sophisticated disputes, including personal injury, medical malpractice, wrongful termination, sexual harassment, real estate disputes, condominium disputes, commercial matters, construction defects, trust & estate disputes, elder issues and divorce. She has also investigated workplace issues. She serves as panel member for Dispute Prevention & Resolution, Inc. (DPR).

Judge Marks has received a number of awards. She has been recognized by Super Lawyers from 2012 – 2019. She was recognized by Best Lawyers in Arbitration and Mediation in 2012 and 2013. She was Honolulu Lawyer of the Year in Arbitration in 2012. She was listed as one of the top 500 Judges in the United States by Lawdragon in 2006. She was named the first Hawaii Jurist of the Year in 2003 and she received the Distinguished Service Award by the Hawaii Police Commission in 2003.

Judge Marks was also appointed Chair of the Hawaii 2011 Reapportionment Commission and she has been Chair of the Honolulu Ethics Commission since 2016.

Office of the City Clerk
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

Voter Certificate

I, Glen I. Takahashi, City Clerk of the City & County of Honolulu, State of Hawaii do hereby certify that,

VICTORIA S. MARKS

a resident of the City and County of Honolulu, State of Hawaii is a duly registered elector (voter) of

Precinct, 04 Representative District, 20 State of Hawaii

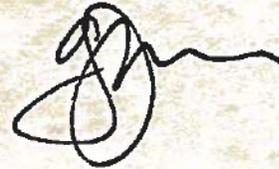
Voter ID No: [REDACTED] Registration Date: 5/4/1978

Date of Birth: [REDACTED]

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City and County of Honolulu to be affixed on October 31, 2019.

Signature Block

Signature of Elector



Glen I. Takahashi, City Clerk
City and County of Honolulu
State of Hawaii



RESOLUTION

RELATING TO THE REAPPOINTMENT OF VICTORIA MARKS TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 11-107 of the Revised Charter of the City and County of Honolulu, 1973 ("Charter"), as amended, establishes an Ethics Commission ("Commission") comprised of seven members appointed by the Mayor and confirmed by the Council to five-year terms; and

WHEREAS, the Commission has the basic duties of rendering advisory opinions and conducting investigations concerning the application of the standards of ethical conduct of the City and recommending appropriate disciplinary action against city officers and employees who violate the standards; and

WHEREAS, Section 11-107 of the Charter prohibits members of the Commission from taking an active part in political management or in political campaigns; and

WHEREAS, Section 13-103 of the Charter requires a Commission member to be a registered voter of the City; and

WHEREAS, by Mayor's letter, dated November 1, 2019, the Mayor has reappointed Ms. Victoria Marks to the Commission; and

WHEREAS, if confirmed by the Council, Ms. Marks will serve a term expiring on December 31, 2024; and

WHEREAS, the Council has reviewed Ms. Marks' qualifications and character and finds that Ms. Marks qualifies to serve on the Commission; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body confirms the reappointment of Ms. Victoria Marks to the Ethics Commission for a term expiring on December 31, 2024; and

BE IT FURTHER RESOLVED that the Council expresses its gratitude and appreciation to Ms. Marks for her willingness to be considered for public service and actively participate in city government; and

MM-132(19)



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, Chair of the Ethics Commission, and Victoria Marks.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers