

**SUNSHINE LAW MEETING
MINUTES OF THE BOARD OF ETHICS
COUNTY OF MAUI**

Date: February 11, 2026 (Regular Meeting)

Time: 12:30 PM

Location: Hybrid meeting held via Microsoft Teams video and audio conference.

Recorded video available at (minutes correlate to Akaku video timecode):
<https://archive.org/details/260211-bc-boe>

Public Meeting Location:

Planning Department Conference Room
Kalana Pakui Building
250 S. High Street
Wailuku, HI 96793

Attendance: Board of Ethics Members

Steven Sturdevant, Chair (present in the conference room)
Michael Lilly, Vice Chair (present in the conference room)
Scott Parker, Secretary (present in the conference room)
Noel "Chivo" Ching-Johnson, Member (present in the conference room)
Duane Gomes, Member (present in the conference room)
Randol Leach, Member (present in the conference room)
Katy Shroder, Member (*via videoconference*)
Carol Swann, Member (*via videoconference*)

Excused: Member Sherrilee Dodson

Board of Ethics Staff

Lauren Akitake, ED & Legal Counsel (present in the conference room)
Caleb Rowe, Deputy Corporation Counsel (present in the conference room)
Gail Raikes, Investigator (present in the conference room)
Ryssa Tam Ho, Board Secretary (present in the conference room)

1. Call Meeting to Order (00:30)

Chair Sturdevant called the meeting to order at 12:30 p.m. Chair Sturdevant, Vice Chair Lilly, Member Parker, Member Ching-Johnson, Member Gomes, Member Leach and board staff were present in the conference room. Members Swann and Shroder, participating via video conference, confirmed no one else was present in their rooms.

2. Public Comment for Agenda Items (01:50)

Chair Sturdevant explained housekeeping matters, including the use of a countdown clock; welcoming written comments if a testifier has more to share; requesting that testifiers state the agenda item they are speaking to. Chair Sturdevant asked for testimony. Board Secretary Tam Ho confirmed there was no one signed up to testify.

3. Executive Director / Legal Counsel's Report (04:03)

- a. Number of Informal Advisory Opinions, January 14, 2026 Through February 10, 2026 (no discussion)

EDLC Akitake reported there were 14 informal advisories given during this time period.

- b. Meeting with Councilmember Batangan, GREAT Committee Chair, Regarding Board of Ethics 2026 Legislative Goals

EDLC Akitake updated BOE Members about the BOE Staff meeting with Councilmember Batangan, Chair of the GREAT Committee, GREAT Staff and OCS Staff. She informed them that topics discussed were: 1) Extending jurisdiction over former employees to 6 years; 2) Updating lobbyist rules to align with the State, which will likely increase registrations and require quarterly disclosures handled by the BOE Office; 3) Establishing an Anti-nepotism rule; 4) Charter amendment to allow BOE members to serve 2 terms; 5) Update Gift Rules via Administrative Rules. Councilmember Batangan has been generally supportive of the BOE's 2026 goals and EDLC is excited to be making progress.

- c. Status of Two New Staff for the Board of Ethics Office

EDLC Akitake reported that we are at the last steps and mentioned the upcoming Council meeting on February 18th, for the 2nd and final readings of Bills 2 and 22.

4. Adoption of Resolution No. 26-01 Honoring Chair Steven Sturdevant (11:12)

Vice Chair Lilly motioned to adopt Resolution No. 26-01 and read it in its entirety. Member Ching-Johnson seconded. Vice Chair Lilly called for a vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Gomes, Leach, Shroder and Swann).

5. Adoption of Resolution No. 26-02 Honoring Secretary Scott Parker (16:10)

Vice Chair Lilly motioned to adopt Resolution No. 26-02 and read it in its entirety. Member Shroder seconded. Vice Chair Lilly called for a vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Gomes, Leach, Shroder and Swann).

Secretary Parker had some words for the board: "I just wanted to say mahalo. But really you know, marking the conclusion of five years, I never expected it to go that fast. Steve and I came on, you know, I know I was a deer in headlights. I'm not sure how it was, but I'm grateful for this privilege. I'm truly grateful. As you all know, during these five years, we've experienced significant change, but meaningful growth. And perhaps most notably, that was thanks to the voters of Maui County who allowed us to be supported by an Executive Director and staff. And this is monumental. It is a monumental milestone. I think it represents not just increased capacity but a renewed commitment to ethical, transparent and accountable government, and I know one that will benefit our entire community for years to come.

I want to express my sincere appreciation to Chair Sturdevant, Vice Chair Lilly and, of course, all of our board members here, for allowing me to serve. Your dedication, professionalism and tireless work, and I know that will continue, but it's been essential in guiding this board through this important period of transition and growth. This board is made up of volunteer citizens and all of you truly care deeply about Maui.

I'm also especially grateful for Executive Director and Legal Counsel Lauren Akitake. Lauren and I share similar roots, both born and raised here, with families deeply involved and ingrained in this community. And, you know, in your short tenure you've already achieved remarkable progress. Revising and modernizing our rules, streamlining processes for both employees and the public, strengthening this board as a valuable County-wide resource and serving as a strong and principled advocate for good and transparent government.

Now I think we all can attest to this, ethical oversight is most effective when it's approached with integrity, responsibility and a genuine commitment to the public good. Ethics systems are designed to protect trust, strengthen transparency and ensure accountability, not to serve as instruments for personal conflict or retribution. When those processes are misused, even unintentionally, it can dilute their purpose, strain limited resources and distract from the important work of supporting ethical decision making across County government. Remaining grounded in shared values, fairness, restraint, respect for process is essential to preserving the credibility of this board and ensuring that it continues to serve the community in the way it was intended.

As my time here comes to an end, I'm both grateful and truly hopeful. Grateful for the opportunity to contribute during a formative period in this board's history and hopeful for what lies ahead. I'm confident in the leadership of our Executive Director and the clear, thoughtful direction that you've already established. I'm encouraged by the continued positive contributions of this board of volunteer citizens who truly do care deeply about our home and I'm deeply appreciative of the dedicated staff whose daily efforts are helping turn vision into practice. Strong ethical government does not happen by chance. It is built intentionally through service, stewardship and a shared commitment to doing what is right, even when it's difficult.

So, I do leave this role confident that this board is on solid footing and well positioned to continue strengthening public trust and supporting the health of our county government. So again, mahalo for the opportunity to serve and for all of your continued dedication to integrity, fairness and transparency for all who call Maui home. Mahalo.”

6. Advisory Opinions (28:17)

- a. Request for Advisory Opinion No. 26A-05 from County Employee Evan Dust regarding possible conflicts of interest regarding his employment as an Executive Assistant to Councilmember Batangan and his volunteer role as Chair of the Cost of Government Commission.

This Advisory Opinion was withdrawn by Mr. Dust as he had since resigned from the Cost of Government Commission. EDLC Akitake thanked Mr. Dust for issue spotting this and for initially submitting the request. She noted that they discussed the potential for overlap of the roles, and it became evident that navigating these circumstances would be restrictive. Mr. Dust felt it was best to resign as Chair and from the Cost of Government Commission as a whole. EDLC Akitake stressed that this result was specific to this situation and that there are certainly instances where employees can sit on boards and commissions. She encourages individuals to bring their concerns forward for the Board to analyze components such as: what board is it, what’s the nature of the board, what position do they have in the County and what are their responsibilities?

7. Discussion of Maui County–Wide Anti-Nepotism Rule with Kee Campbell, Esq., Enforcement Director, Hawaii State Ethics Commission, Presenting on the State’s Anti-Nepotism Rule (32:33)

EDLC Akitake framed the conversation by stating: “Firstly, you folks know that the legislature passed a couple of resolutions urging neighbor island ethics boards to follow the example of state ethics, and this is one area that we should be moving in. So it is best practice to have an anti-nepotism rule across all sectors, so –private public government, nonprofit and the goal of that is to ensure that hiring and supervising is based on equal opportunity, talent, skill and qualifications and not based on favoritism or family relationships and this all fosters the public’s confidence in the integrity of County government.”

EDLC Akitake noted that the goal is to work as a committee of the whole, as opposed to the Board creating a FIG. She welcomes the public to participate and testify.

The last time Maui County discussed anti-nepotism was in 2013 and 2014. The State passed their law in 2022. Last year, Hawaii County passed a similar law and Maui Firefighters issued a guidance as well.

EDLC Akitake introduced Kee Campbell who stated that there was a need to create a bright-line rule based on complaints from the public and employee claims of co-workers

receiving preferential treatment because they were related to a supervisor. They established that supervising a close relative or household member constitutes a violation. However, they did create the Good Cause Exception, especially for rural or less populated areas where an agency, despite their best efforts to comply, has difficulty filling a position without violating the anti-nepotism law. The law recognizes the importance of having qualified personnel. A Good Cause Exception is vetted by the Board publicly for transparency. Mr. Campbell mentioned that they did a 6-month period after implementing the law to give people time to apply for Good Cause Exception Requests.

Mr. Campbell also explained the Indiana model in which they exempted prior employment arrangements. There are some states that do this prior to the law going into effect, but this was not the approach that Hawaii State wanted to follow. The law currently applies to 95% of all State employees, excluding the judiciary and legislative branches. However, the State is pursuing legislation in this session to include those branches.

Members posed questions and scenarios which EDLC Akitake and Mr. Campbell addressed. Secretary Parker raised a situation where a supervisor transfers a family member to another manager reporting to them, but ultimately the supervisor still has authority over that family member. He stated that there needs to be time for people to make adjustments, whether that means transferring to another department or resigning. Secretary Parker hopes that the implementation doesn't cause significant disruption or impact on people's livelihood.

Member Swann asked if there is currently any type of disclosure requirement when applying for a County position or promotion. Deputy CC Rowe stated he wasn't aware of any reporting in place. EDLC Akitake stated that this is why there is a need for this anti-nepotism law for Maui County. Mr. Campbell highlighted that State agencies are aware of and keep track of who is related within departments, partly to ensure they are not supervising each other. He thinks this tracking is probably part of their application process.

Member Shroder highlighted that the State's law prohibits not only the hiring or supervising of a relative or household member, but also the awarding of contracts to businesses owned by relatives or household members. She mentioned the advisory opinion that had recently come before the board and stressed that this must be part of the law for Maui County employees and boards and commission members.

EDLC Akitake brought up an example that had come up in 2013-2014 discussions. The plea was that this rule would prevent the son or daughter of the Head or Deputy Prosecutor from ever working for the Prosecutor's office. Mr. Campbell said the law prevents appointing, hiring, promoting, etc. So, the initial question is whether an employee is involved in the hiring of a relative. There can be no backchanneling and no discussion at all with coworkers. Next is to figure out supervision, such as the agency designating a different supervisor with some sort of independent oversight over that

relative. Supervisory duties would need to be completely cut off between relatives.

EDLC Akitake pointed out that although certain situations seem complicated, Mr. Campbell has stated before that he's confident that the majority of situations can be managed effectively to be in compliance with the nepotism rules. Mr. Campbell agreed.

The topic of hanai relationships was discussed, which the State is looking at addressing through their Administrative Rules. Board members also talked about assessment of fines, and what those parameters would look like. EDLC Akitake mentioned that she doesn't think violations would rise to this level.

Members posed questions about why the legislative branch was exempt. Mr. Campbell explained, "The Commission's position is that one rule should apply to all State employees. In the sort of process of getting this law passed, it became apparent that we could get it passed with respect to the executive branch, but we weren't going to be able to get it passed with respect to all three branches. The executive branch comprises approximately 95% of our employees. So essentially, we made the decision to capture 95% of the employees under the anti nepotism law and our office will continue to go back and try to get this to apply to all branches equally. But for now, we felt like on the whole it was beneficial to get it passed with respect to the largest department, and we are continuing to promote legislation to capture all employees under this law."

EDLC Akitake asked the Board how they felt about an exemption for certain groups within the County and explained that the Board's draft rules and thoughts will go to the Council.

Member Ching-Johnson stated that he would like it to apply to everyone. Secretary Parker agreed to push for that, no exemptions, and Vice Chair Lilly and Chair Sturdevant concurred.

EDLC Akitake brought up a concern discussed in 2013, about not wanting to take the 2nd best candidate in the instance that the best candidate is related to their supervisor. This would be the risk we would take given the broader goal of a nepotism rule. Mr. Campbell echoed this sentiment stating that if someone is directly related to their supervisor, regardless of them being capable or qualified, there will always be the lingering question of whether or not they got that job because of that relationship. So, their position on getting the most "qualified" applicant is to choose the 2nd best candidate if the top candidate has some sort of conflict. They believe the cost of doing this is justified.

Chair Sturdevant motioned to recommend EDLC Akitake draft a bill that mirrors the State's law, with adjustments for Maui County statutory references. This bill will be presented to the board for approval in April. Member Ching-Johnson seconded. Chair Sturdevant called for a vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Gomes, Leach, Shroder and Swann).

8. Announcements (01:37:20)

- a. Next Meeting: **April 8, 2026, at 12:30 pm** at the Planning Department Conference Room, 250 S. High St., Kalana Pāku'i Bldg., Wailuku, Hawai'i 96793

9. ADJOURNMENT (01:37:20)

Chair Sturdevant adjourned the meeting at 2:07PM.