

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

Date: January 14, 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/260114-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)
Sherrilee Dodson, 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 (present in the conference room)
Carol Swann, Member (via videoconference)

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 *(not included on Akaku recording)*

Chair Sturdevant called the meeting to order at 12:32 p.m. Chair Sturdevant, Vice Chair Lilly, Member Ching-Johnson, Member Dodson, Member Gomes, Member Leach, Member Parker, Member Shroder, and board staff were present in the conference room. Member Swann, participating via video conference, confirmed no one else was present in the room.

2. Public Comment for Agenda Items (00:30)

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.

Testifier 1: Councilmember Kauanoë Batangan- in person (02:06)

Mr. Batangan testified on Items 5a and 5b, regarding his former position as Executive Director of Maui Metropolitan Planning Organization (Maui MPO) and his wife's position as Executive Director with Maui Economic Opportunity Inc. (MEO). He recognizes that his current employment as the Maui County Councilmember for Kahului could pose a conflict of interest when matters of Maui MPO and MEO come before the Council. He thanked the Board and let them know he would stick around to be a resource should they have any questions for him.

Chair Sturdevant asked for any other public testimony. Board Secretary Tam Ho confirmed there was no one else signed up to testify.

3. Executive Director / Legal Counsel's Report (05:30)

a. Council on Governmental Ethics Laws Conference December 7-10, 2025

EDLC Akitake: "Thank you, Chair. So, first I'd like to talk about the Council on Governmental Ethics Laws Conference that I attended with our investigator, Gail, December 7-10, 2025 in Atlanta, Georgia. COGEL, it's the primary national organization that's devoted to governmental ethics, and the other major ethics organizations of the State of Hawaii also attended. So, the State, Honolulu Campaign Spending and OIP attended. The conference was really invaluable for both me and our investigator. Gail attended focused sessions and roundtable discussions for investigators, and she learned from seasoned investigators on building cases, using modern tools, and navigating the intersection of access with transparency, privacy, and ethical considerations. I attended sessions on advice versus enforcement, because I wear both hats in my role, roundtables for agency leaders, developing creative ethics trainings and presentations, regulating political speech in the age of misinformation, records request, working with the media, budgeting, and strategies for building awareness of our organization's mission. There's a great diversity of ethics commissions nationwide, from a one-woman office in Columbus, Ohio to large agencies with hundreds of staff in New York. Despite these differences, we all handle the same types of situations and practical considerations. I came away from the conference with new ideas, and it's clear that we have a lot of very important and exciting work ahead of us. One major take away was that this is a uniquely difficult area of law and public service to practice in, particularly in the current federal landscape and in this age of misinformation and disinformation. One presenter said, 'Ethics offices are under attack, much like science is under attack, and truth is under attack.' Oddly, being in a 'good government agency' can expose those

doing this work to harassment, both political and for personal agendas. However, those drawn to these areas do so supported by a very strong network of colleagues who continue to weather the storm because as Georgia Governor Brian Porter Kemp said, 'What we do matters.' So, thank you from, me and Gail, for this opportunity to attend the COGEL Conference."

- b. Number of Informal Advisory Opinions, December 03, 2025 Through January 13, 2026 (no discussion)

EDLC Akitake: "Next, we have the number of informal advisory opinions that I issued from December 3rd, 2025 through present. So, that number is, as of this morning, 18. Any board member is welcome to review those opinions with me."

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

EDLC Akitake: "As you know, early on, it was evident that we were understaffed. So, we asked for three positions and I'm very grateful that we are pursuing 2 positions, a paralegal and a second attorney. Thank you to Vice Chair Lilly, who testified as well as I did, to the Council on December 19th and on January 7th regarding our request for the two staff. Bill 193 passed, Bill 2 was referred to the BFED Committee and I'll testify to them hopefully January 27th. Once Bill 2 passes BFED, it'll require two more readings before it can be approved. We also need a budget amendment to fund the positions, so that will have to be timed along with the current bill. But we're getting there. We will get there."

- d. Board of Ethics Communications Update – Election Letter, Financial Disclosure Statement Reminders, Lobbyist List, and Plain Language Guide

EDLC Akitake: "So, one goal of mine from the very beginning was to increase the visibility of our office to the County. We really want the County employees, as well as the Board and Commissions members, to know who we are, so they can be comfortable with contacting our office, asking questions, and also that we can help them stay in compliance with the ethics rules. I'm happy to report that over the last month we sent out Communications regarding financial disclosure reminders, so you folks have all probably got that, an election restrictions reminder and our holiday letter. In addition, we are very excited to have produced a Plain Language Guide to ethics, which is modeled after the Honolulu Plain Language guide, the Honolulu Ethics Commission said it is their most picked up or taken pamphlet at any of their events. And so that was first on my list to want to emulate. Thank you to Vice Chair Lilly, who helped with the contents of that guide and to Ryssa for her design expertise. That guide will be on our website soon. It was emailed to all employees and I'm happy to report I've already received two advisory opinion requests based on the guide. So, it's as we thought, once we start training, people will be recognizing different ethics violations or questions that they have regarding their obligations with the ethics rules. So lastly, we communicate to the public about a registered lobbyist via the list we have on our website. So, we're looking at ways to better

present that information and to improve its accuracy. For example, there are individuals on that list who are likely not currently employed by that organization to be a lobbyist. And so, Gail is working to call and clean up that list to be more accurate. So that's all I have. You have any questions? I'd be happy to answer.”

Vice-Chair Lilly asked EDLC Akitake how many advisory opinions she has given since starting August 1. EDLC Akitake responded, “almost 70.” Vice Chair Lilly noted that this is more than the BOE issues in three years and cited that as one reason why the BOE office needs more staff, which EDLC Akitake agreed with.

Member Leach offered his thanks to EDLC Akitake and asked her for examples of the advisory opinion requests. EDLC Akitake noted that she frequently provides opinions about secondary employment and further noted that the Honolulu Ethics Commission has an approval process for secondary employment. EDLC Akitake next noted that questions by board and commission members regarding conflicts of interest are common as well as questions regarding gifts.

Member Leach followed up with a question regarding campaigning as a Board of Ethics member. EDLC Akitake noted that the Board office recently sent out a letter to County employees regarding campaign restrictions. EDLC Akitake and Deputy CC Rowe noted in addition to said letter, there is a 200-foot perimeter regarding the drop box out from the County building for ballots that would be effective for a period of time before the primary and general elections.

Deputy CC Rowe responded to Member Leach’s last question by noting that the Constitution of the State of Hawaii provides that each county must have its own code of ethics administered by a separate ethics commission, and that the members of ethics’ commissions shall be prohibited from taking an active part in political management or in political campaigns.

Member Shroder thanked EDLC Akitake and the Board staff, noting that they are fostering understanding of the Board’s role, which is leading to the Board being able to function more efficiently. EDLC Akitake agreed with Member Shroder, noting that at the start of her first 100 day listening session, there were those who did not understand the Board jurisdiction and who thought the Board was being more philosophical about their decisions, which caused some worry.

Chair Sturdevant praised EDLC Akitake, noted that there will be further changes later this year, and highlighted that education and communication with County employees are very important to conveying the Board’s message. He encouraged EDLC Akitake to keep up the good work.

4. Agenda Items (20:38)

Financial Disclosure Statements (“FDS”) Elected & Appointed Officers and Candidates for Elective Office.

Appointed	Officers	Date
Name	Department	
Batangan, Kelson Kauanoë	Maui County Council	12/22/2025
Batangan, Kelson Kauanoë	Maui County Council	1/6/2026

Councilmember Batangan thanked the Board and noted there are two public disclosures on the agenda as he submitted one prior to taking office and a second at the beginning of the year as an elected official. The two are identical except for his LLC, which was on the first but not the second. He explained that he disclosed the LLC on the first disclosure even though it did not meet the triggering mark of \$1000. However, after meeting with EDLC Akitake, and as there had been no activity with the LLC for the last three years, he closed the LLC. He sent a follow-up email to the Board office regarding the LLC and corrected the disclosure in his second filing.

EDLC Akitake thanked Councilmember Batangan for being so diligent regarding his disclosures and with his communications with the Board office. She noted that the Councilmember’s email to the Board regarding the LLC is in the public materials for the present meeting. The two questions regarding the Maui MPO and Councilmember Batangan’s wife’s employment will be the subject of the following two advisory opinions.

Vice Chair Lilly motioned to acknowledge and receive both FDSs, seconded by Secretary Parker. Chair Sturdevant called for the vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Dodson, Gomes, Leach, Shroder and Swann).

5. Advisory Opinions (23:45)

- a. Request for Advisory Opinion No. 26A-01 from County Employee Kelson Kauanoë Batangan regarding possible conflicts of interest regarding his previous employment as Executive Director of the Maui Metropolitan Planning Organization (Maui MPO) and his current employment as Maui County Councilmember representing the Kahului residency district area.

By way of background, Councilmember Batangan explained that the Maui MPO is sometimes treated as a County agency, and sometimes not. In light of this, he is requesting an advisory opinion for the Board to decide what, if any restrictions, would apply now that he is a Councilmember.

EDLC Akitake asked whether Councilmember Batangan considered himself a County employee under his former employment with the Maui MPO. Councilmember Batangan responded, “generally, yes,” and explained his rationale. Consequently, EDLC Akitake responded that the Board should analyze this situation as if Councilmember Batangan had been a County employee with the Maui MPO.

Member Dodson inquired regarding what the Maui MPO does. Councilmember Batangan explained that the MPO conducts long range transportation planning and financing and explained the origins of the MPO.

Deputy CC Rowe and Councilmember Batangan engaged in a discussion regarding the funding for the MPO. Councilmember Batangan explained the intersection between the federal and state governments with respect to the two MPOs in the State located on Oahu and Maui. He also discussed other funding sources, including grants from the federal and state governments and the County. Saying in general, the MPO's budget is 80% federal, 10% state, and 10% County.

Deputy CC Rowe followed up asking whether the funding is reimbursement based or is provided up front. Councilmember Batangan responded that most of it is reimbursement based.

EDLC Akitake: "So, a couple things. As you know, I was looking at this as if Maui MPO, you were a County employee. So I'll put the two things out there on the table and then we can discuss if that seems to fit in this situation. Well, overall, our rules mainly talk about when you leave County employment. But there are two concepts that could apply here. So, the first one is confidentiality, confidential information. So, say that you were a County employee with Maui MPO. Any confidential information you have from that position, even though you're not leaving employment, you still would keep that confidential in your new role transfer within the County. The second one is a cautionary, and it's not required, but we talk about it sort of as a best practice for transparency purposes. So it's rule Charter 10-4.1.f. Again, it is not specifically on point because it's about leaving employment, but the concept is if you work directly on a case proceeding or application. So, it's narrowly focused to a case preceding or application with Maui MPO. You may wish to, and this is not required, disclose that before deliberating and voting. So, just sort of a best practice on transparency, but it's not required. And I guess it would depend on the circumstances. So, we just want to put that one out there and in light of the County employer, not county employee, what are your folks' thoughts?"

EDLC Akitake noted that the ethics rules are not directly on point, but there are concepts that apply. Councilmember Batangan agreed and noted that this is why he came to the Board with these advisory opinion requests.

Member Ching-Johnson and Councilmember Batangan spoke about when the MPO was first reactivated in Maui County, triggered by the 2010 census.

EDLC Akitake repeated her prior analysis with cautionary advisement, namely that confidential information must remain confidential, and that if there is something Councilmember Batangan directly worked on – i.e. a "case, proceeding, or application", it would be up to him to disclose that involvement before deliberating and voting. Councilmember Batangan confirmed that there was no case, proceeding or application under these circumstances.

Vice Chair Lilly moved to issue an advisory opinion with the cautions regarding confidential information and regarding any “case, proceeding, or application” as explained by EDLC Akitake. Member Ching-Johnson seconded. Chair Sturdevant called for the vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Dodson, Gomes, Leach, Shroder and Swann).

- b. Request for Advisory Opinion No. 26A-02 from County Employee Kelson Kauanoe Batangan regarding possible conflicts of interest regarding his current employment as Maui County Councilmember representing the Kahului residency district area and his wife’s employment as the Chief Administrative Officer of Maui Economic Opportunity Inc. (MEO). **(34:39)**

Councilmember Batangan explained that this request for an advisory opinion relates to conflicts of interest that his spouse may have as she is the Chief Administrative Officer of Maui Economic Opportunity, particularly as MEO does a lot of work with the County of Maui.

Secretary Parker inquired whether Councilmember Batangan’s wife would be responsible for, and the final decision maker on, any issue that might potentially come before the Council. Councilmember Batangan responded that the answer is yes, beginning in July, as his wife will assume the role of CEO of MEO at that time.

EDLC Akitake: “All right, so the rules we're talking about here are:

Charter 10-4 Prohibitions

- 1. No officer or employee of the County shall:
 - b. Engage in any business transaction or activity or have a financial interest, direct or indirect, that is incompatible with the proper discharge of the officer's or employee's official duties or that may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties, or take any official action in which the officer or employee has a direct or indirect financial interest, including participating in deliberations.

Rule 04-101-3 Definitions

"Financial interest" means an interest held by an individual, the individual’s spouse, or dependent children which is:

...

- (3) An employment or prospective employment for which negotiations have begun.

...

- (6) A directorship or officership in a business.

So thus regarding your wife's employment with MEO and as a director of Malama I Ke Ola, those are financial interests of both her and yours. So, there are a couple opinions I just want to direct everyone to and put on the record that we have previously sort of opined in this area. So, one is regarding Councilmember Kama, it's 23A-4. Oddly, this was about her being on the MEO board. So, it was a financial interest and in that one,

she did recuse herself from voting. No—she was advised to recuse herself but before that happened, she stepped down so she could vote on the matter. The second was regarding Councilmember Couch opinion number 11A-04 and that talks about his being a board member of the Boys and Girls Club and lays out that he could vote on a budget as a whole. But, as you already identified, Councilmember, any line item or specific decision regarding MEO or Malama I Ke Ola, you would need to recuse yourself from. But, you already sorted that one out at the very beginning. So, thank you for that analysis.”

Chair Sturdevant recommended that the Board issue an advisory opinion applying the rules as stated by EDLC Akitake and how they relate to this situation, namely that Councilmember Batangan has a financial interest as to MEO and Malama I Ke Ola, given his wife’s employment and directorship, and that he should recuse himself from Council decisions regarding specific items involving either organization.

Vice Chair Lilly moved approve this recommendation, seconded by Member Shroder. Chair Sturdevant called for the vote which was unanimous. All members voted in the affirmative (Sturdevant, Lilly, Parker, Ching-Johnson, Dodson, Gomes, Leach, Shroder and Swann).

6. Announcements (41:00)

- a. Next Meeting: **February 11, 2026, at 12:30 pm** at the Planning Department Conference Room, 250 S. High St., Kalana Pāku’i Bldg., Wailuku, Hawai’i 96793

7. Adjournment (41:12)

Chair Sturdevant adjourned the meeting at 1:12PM.