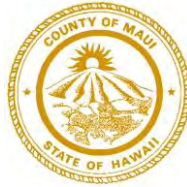


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



BOARD OF ETHICS
C/O DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

February 13, 2020

Via E-Mail & US Postal Mail

Dylan Payne R(S)
45 Wai Kula Place
Lahaina, Hawaii 96761

Re: Signed Board of Ethics Advisory Opinion No. 19A-16

Dear Mr. Payne:

On Wednesday, February 12, 2020, the members of the Maui County Board of Ethics ("Board") approved and signed Advisory Opinion No. 19A-16, pursuant to your Request for an Advisory Opinion received on October 28, 2019. Enclosed is the opinion which is available for public inspection pursuant to the Board's Rules.

We thank you once again for bringing this matter to the attention of the Board and apologize for the delay of its approval due to a meeting cancelation.

Should you have any questions, please feel free to contact board staff at 808-270-7583.

Sincerely yours,

/s/ Matthew Macario

MATTHEW MACARIO, CHAIR
Maui County Board of Ethics

MM:cmv

BOARD OF ETHICS

COUNTY OF MAUI

In the Matter of the
Request by Dylan Payne, for an
Advisory Opinion

Advisory Opinion
No. 19A-16

ADVISORY OPINION

The Maui County Board of Ethics (the "Board"), having reviewed a request for an advisory opinion by Dylan Payne, and having obtained all the information deemed necessary by the Board to make a proper determination regarding the subject request, renders this Advisory Opinion No. 19A-16 pursuant to Section 10-2.2.c of the Revised Charter of the County of Maui (1983), as amended (the "Charter") and Section 04-101-52 of the Rules of the Board.

Summary of Facts

After review of the request for an advisory opinion the Board finds as follows:

(a) Procedural facts.

By letter (undated) received by the Board on November 22, 2019, Mr. Payne requested an advisory opinion regarding his ability to serve as a member of the West Maui Community Plan Advisory Committee ("West Maui CPAC"), given his employment as a licensed Realtor. On December 11, 2019, the Board convened in Regular Session to consider the subject advisory opinion request.

(b) Summary of facts.

Mr. Payne is employed as a Realtor with the real estate division of West Maui Land Company, Inc. West Maui Land Company, Inc. is also affiliated with a number of other entities. Together with its affiliated entities, West Maui Land Company, Inc. controls significant real estate interests within the West Maui CPAC area.

West Maui CPAC is one of nine community plan advisory committees in Maui County, authorized by Chapter 2.80B.080 of the Maui County Code. Each community plan advisory committee

consists of thirteen volunteer members, including nine members appointed by the council and four members appointed by the mayor. Community plan advisory committees are advisory bodies, whose recommendations are subject to approval by the Maui Planning Commission and Maui County Council. The West Maui CPAC reviews and makes recommendations for revisions to the West Maui Community Plan.

Applicable Law

The Board considered the provisions of Article 10 of the Charter ("Code of Ethics") in rendering this Advisory Opinion.

With regard to limitations of a County employee's outside business or financial interests, the Code of Ethics provides as follows:

Section 10-4. Prohibitions.

1. No officer or employee of the county shall:

. . .

- c. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or employee's official duties or which 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.

Opinion

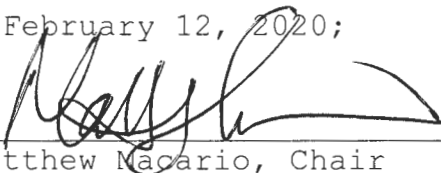
Based on the foregoing provision of the Code of Ethics, the information received and the records and files herein, the Board is of the opinion that Mr. Payne's employment as a Realtor associated with Realtor with the real estate division of West Maui Land Company, Inc. is not a financial interest that is incompatible with his duties as a member of the West Maui CPAC.

However, Mr. Payne must disclose his employment as a Realtor with West Maui Land Company, Inc. whenever a matter that may affect his employer is considered by the West Maui CPAC. This disclosure shall apply to West Maui CPAC actions affecting West Maui Land Company, Inc. and any of its owners, subsidiaries or affiliated entities. In addition to

disclosure, Mr. Payne should refrain from voting on any subsidiary or preliminary matter that affects the interests of West Maui Land Company, Inc., provided that he may vote on the entire or final recommendations for the West Maui Community Plan.

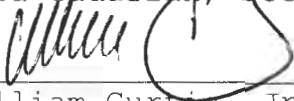
This Advisory Opinion is based upon the facts available to the Board. Mr. Payne is advised to bring this matter before the Board again, should the facts of his situation change. The Board thanks Mr. Payne for bringing this matter to the Board's attention.

Adopted by the Board on February 12, 2020;

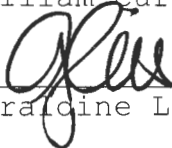


Matthew Macario, Chair

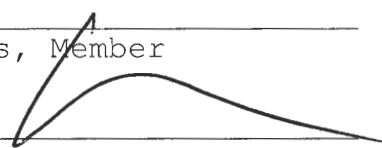
Sara Gadarian, Secretary



William Curtis, Jr., Member

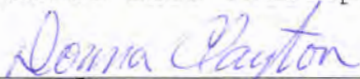


Geraldine Lewis, Member

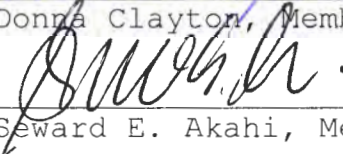


David Weiss, Member

Rachel Ball Phillips, Member



Donna Clayton, Member



Seward E. Akahi, Member