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Supplement / Addendum to my Ethics Complaint filed against Tom Cook

Les Iczkovitz <les.iczkovitz@gmail.com>

Wed, Aug 6, 2025 at 1:05 PM

To: boardofethics@mauicounty.gov

Bcc: Paul Deslauriers <paulnrg@aol.com>, bruce douglas <bruced@maui.net>

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August 6, 2026

Lauren Takitake
Executive Director
Maui Board of Ethics

Steven Sturdevant
Chairman
Maui Board of Ethics

Michael Lilly
Vice Chairman
Maui Board of Ethics

Via email to boardofethics@mauicounty.gov

Dear Ms. Takitake, Mr. Sturdevant, and Mr. Lilly,

As the executive director and legal advisor to the Maui Board of Ethics, I am asking Ms. Takitake to please respond to the following questions and issues as soon as possible. As the former Hawaii Attorney General, I am also asking Michael Lilly to respond to the questions and issues raised in this letter. The public has a right to know your respective positions on these critical issues.

1. I filed an Ethics Complaint against Tom Cook with the Maui Board of Ethics on June 30, 2025. Please use this letter to amend and supplement the Ethics Complaint which I previously filed with the BOE. Which 8/13/25 Agenda item is my complaint listed under?
2. Do any of the other Agenda items also relate to Tom Cook? If yes, which other Agenda items relate to Tom Cook?

3. The 8/13/25 Agenda states the following:

“Documents related to agenda items listed are available on the Board of Ethics website <https://mauicounty.gov/DocumentCenter/Index/5092>.”

I clicked on this link. I am confirming that there are no documents available at this website regarding any of the Complaints filed against Maui County employees which are listed on the 8/13/25 BOE Agenda. Please correct these deficiencies immediately.

Please immediately post my Ethics Complaint against Tom Cook so it is immediately available to the public at the BOE website link. The 8/13/25 Agenda which is currently posted does not meet minimum legal requirements for Board of Ethics Meeting Agendas.

4. The Agenda for the August 13 meeting which the Board of Ethics posted on August 5, 2025, does not reveal the names of the Maui County employees against whom the original complaints have been filed. My understanding is that the Maui Board of Ethics is required / authorized to reveal / post the names of the Maui County employees against whom original complaints have been filed. It appears that the Board of Ethics is intentionally obscuring / withholding the names of these individuals from the public. Please publicly post these names immediately. If you disagree or refuse to do so, please provide your statutory or case law authority which allows the BOE to obscure from the public, the identities of the individuals in the original complaints filed against them.

5. I hereby request that I receive unredacted copies of the following items on the 8/13/25 Agenda:

3.g. Request for an Advisory Opinion No. 25A-06 dated July 9, 2025, from a County of Maui employee regarding possible conflicts of interest in being employed by the County and owner of company.

4. ii. Request for an Advisory Opinion No. 25A-07 dated July 15, 2025, from an employee of the County of Maui seeking an advisory opinion on Section 10.3.2.

4. iii. Chair’s report and recommendation on Complaint No. 25-11 from a resident of Maui County, against an employee of the County of Maui alleging violations of Sections 10-4.3 of the Revised Charter of the County of Maui, (1983), as amended, (Code of Ethics).

4. iv. Chair’s report and recommendation on Complaint No. 25-12 from a resident of Maui County, against an employee of the County of Maui alleging violations of Sections 10-4.1.c, Sections 10-4.1.d, Sections 10-4.1.e, Sections 10-4.1.g, Sections 10-4.2.b, Sections 10-4.4, of the Revised Charter of the County of Maui, (1983), as amended, (Code of Ethics).

4. v. Chair’s report and recommendation on Complaint No. 25-13 from a resident of Maui County, against an employee of the County of Maui alleging violations of Sections 10-4.1.g, Sections 10-4.1.c, and Sections 10-4.4 of the Revised Charter of the County of Maui, (1983), as amended, (Code of Ethics).

4. vi. Chair's report and recommendation on Complaint No. 25-14 from a resident of Maui County, against an employee for the County of Maui alleging violations of Sections 10-4.1.g, of the Revised Charter of the County of Maui, (1983), as amended, (Code of Ethics).

4. vii. Chair's report and recommendation on Complaint No. 25-15 from a resident of Maui County, against an employee for the County of Maui alleging violations of Sections 10-4.1.c, Sections 10-4.1.d, Sections 10-4.1.b, of the Revised Charter of the County of Maui, (1983), as amended, (Code of Ethics).

If you believe that the BOE is not required to send me unredacted copies of the complaints I have requested, please provide me with the statutory or case law authority which supports your position.

6. The Charter Amendment passed by Maui voters in November 2024, specified that the Maui Board of Ethics receive independent unconflicted legal advice from a new Executive Director who is an attorney. Ms. Takitake was appointed the new Executive Director of the Maui Board of Ethics effective as of July 1, 2025. Ms. Takitake is an attorney. Unless and until the Maui County Council retains a special counsel to legally advise the Maui Board of Ethics regarding a specific issue, after the proposed Special Counsel has fully disclosed any and all potential conflicts of interest to the County Council, Ms. Takitake is the only person who is legally allowed to give legal advice to the Maui Board of Ethics. Please confirm that Ms. Takitake agrees with and that the BOE will fully abide by this statement.

7. Maui Corporation Counsel is the official legal representative of all Maui County employees, including all Maui County council members, including Tom Cook. Therefore, Maui Corporation Counsel, and all other Hawaii County Corporation Counsels, have an undeniable conflict of interest which prevents them from being Mr. Cook's legal advisor, while also giving any legal advice to the Maui Board of Ethics regarding complaints filed by the public against any and all Maui County employees. This conflict of interest specifically applies to any and all ethics complaints which have been filed by the public against Tom Cook, past and present.

8. This undeniable conflict of interest also prevents the Corporation Counsel of each and every Hawaii island from being invited into, or to attend, any Board of Ethics Executive Session which discusses any complaint filed by the public against any Maui County employee with the Board of Ethics, as the Maui BOE has done in the past.

Please confirm that you agree with these statements. If you disagree, please provide me with your statutory or case law authority which supports your legal opinions regarding this issue.

9. My ethics complaint against Tom Cook, if it is denied by the Maui Board of Ethics, is the beginning of a "contested case", the denial of which may be appealed to the Second Circuit Court. The Maui Board of Ethics is required to issue findings of fact and conclusions of law if it denies my ethics complaint filed against Tom Cook, a Maui County employee, pursuant to the Hawaii Administrative Procedure Act (HAPA). The Hawaii Administrative Procedure Act (HAPA) mandates that "every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law". Please confirm your agreement with this statement. If you disagree, please provide me with your statutory or case law authority which support your legal opinion regarding this issue.

Ms. Takitake has been in her position for just over a month. The Maui Board of Ethics represent everybody who lives in Maui County. Please do the job that Maui voters have authorized the Maui BOE to do. The BOE now has the budget to hire an Investigator and issue subpoenas. Maui County voters have spoken. Please use BOE's investigatory powers and budget to perform actual investigations of well-founded complaint. The public clearly wants the Maui BOE to clean up the gross ethical issues on Maui which have been ignored for so long. This is why the Maui public passed the charter amendment last November. Please eliminate all appearances of impropriety. Please do not allow yourselves to be intimidated by the Maui Corporation Counsel or any other source, as others have allowed in the past.

I hereby request a face to face meeting with Ms. Takitake, Mr. Lilly and Mr. Sturdevant, to discuss the issues set forth in this letter, to take place before the August 13 BOE meeting. I am available to meet anytime on August 11 or 12. There is apparently nothing in Maui or Hawaii law which prevents the three of you from personally meeting with me to discuss these issues. Are you available for such a meeting?

I am hereby requesting that the Board of Ethics email or hand deliver a copy of this letter to every member of the Maui Board of Ethics this week. Please confirm that the BOE has distributed this letter to BOE Board Members as I have requested.

Thank you for your anticipated cooperation in this matter. I look forward to your responses to each and every one of the issues and questions raised in this letter. Please contact me if you have any questions, or to schedule the face to face meeting I have requested.

Sincerely,

/s/ Leslie K. Iczkovitz

Leslie K. Iczkovitz



Ltr to Maui Board of Ethics Executive Director Chairman and Vice Chairman.pdf

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