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State of Hawaii  
Office of Information Practices  
No. 1 Capitol District Building  
250 South Hotel Street, Suite 107  
Honolulu, Hawaii 96813

RE: Non-Disclosure of Public Investigation  
Maui County Council Member Don Couch

Dear State of Hawaii Office of Information Practice;

On March 18, 2016, I provided public testimony at the Maui County Council regarding expenditures of public funds on County wide roadway capital improvement projects. Last year I attended a State Department of Transportation hearing in Lahaina that addressed the proposed list of projects to be funded with 200 million dollars in "STIP" monies through a State Department of Transportation program.

I learned during this hearing that the County of Maui has been executing agreements with private developers for decades that allow them to defer their financial obligations to complete their subdivision roadway improvements with the understanding they will be collected upon when a capital improvements are performed by the County along the developer's subdivision frontages. I sat at a meeting with Senator Roz Baker as West Maui residence Christopher Salem presented aerial photo's showing hundreds of subdivisions with these pay back obligations throughout Maui County.

Senator Baker stated the County's failure to keep records of the developer agreements and monies owed back to the taxpayers was clearly negligent, and when asked for a solution to uncollected debts, she stated "the County should just admit their wrongdoings, and just erase them. Or, in the alternative, a citizen should just hire an attorney." As a public servant, I feel tossing this misuse of County, State, and Federal public funds to pay for private developers obligations back onto the citizens to resolve is irresponsible at best, and we as citizens have a right to know how our elected public officials including members of the Maui County Council are addressing these violations and breaches of public trust.

During my testimony, Council member Couch stated an investigation into this issue had been conducted in 2013. Immediately after the hearing I followed up with his office on multiple occasions to obtain a copy of a noticed investigation, findings, and conclusions. Council member Couch refuses to even respond to my request for public information, and consequently I seek your office's assistance. If in fact there was an investigation performed by the Council and the Administration, I question whether Sunshine Laws have been violated by Mr. Couch and others.

I am writing to your office to seek help with obtaining a copy of all notices and information relating to Mr. Couch's announced investigation into this matter. Once again, the citizens have a right to know how the Maui County Council is addressing these unaccounted for developer financial obligations, some of which appear to be directly related to roadway projects being funded in the current Maui County Budget.

Respectfully submitted,

Marilyn McAteer

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