

Board of Ethics, Maui County

On June 14, 2000, then Governor Ben Cayetano signed into law the right of persons with particular medical problems to be allowed to use cannabis as a medicine to help treat their ills.

The Bill became effective Dec. 28, 2000. It was the result of careful in depth study by the Hawaii Legislature to determine the validity of marijuana as a legitimate medicine.

They, as well as the then Gov. Ben Cayetano, concluded that it was; and that the right thing to do was to make it legally available to those who qualified for its use.

From that day to this, the citizens of Maui County, have been beset by obstacles to their legitimate use of medical marijuana. Whoever has worn the badge of the Chief of Police of the Maui Police Department has consistently taken a position directly opposite to law. Not only the letter of the law, but the spirit of the law as well.

The current chief of police, Gary Yabuta has taken things one-step farther. While the State legislature was in session attempting to tweak the medical marijuana law to make it more doable, Chief Yabuta put into writing his own opinion that "marijuana is not medicine," and passed it out to the public via armed policemen, outside Walmart. (The entire brochure is attached)

He's saying that the government of the State of Hawaii doesn't know what it is talking about. But he does. This is on its face outrageous. Mr. Yabuta's job is to enforce the law. Yet here he is, on taxpayer time, i.e. money, lobbying against legislative action. Obviously, he is confused about what his duties are.

This is serious stuff. The chief of police is arguing against an in place law and he is doing it with the people's money. He is lobbying on the people's dime. Does he have a self-interest that might ugly things up?

How much money does the Maui police department bring in under forfeiture actions? The stiffer the law, the more people will be arrested, the higher the forfeiture take.

My understanding is that Chief Yabuta has full control over forfeiture money – more money for the police department. This sounds like someone lobbying not only for a legislative issue, but for self-gain as well in that his Department will benefit.

A lobbyist is defined in HRS Chapter 97-1 (6) as an “individual who for pay or other consideration engages in lobbying in excess of five hours --- or spends more than \$750 lobbying ---.”

A reading of the Maui News, February 15, 2011, confers Captain Yabuta's perception of his duties “taking a pro-active” stance, rather than upholding the law. It is safe to assume that Chief Yabuto has spent a minimum of five hours himself on his lobbying efforts, let alone the officers of the Maui Police Department.

That alone covers the definition. However, it's not difficult to piece together \$750 of expenditures, considering Chief Yabuta's salary, the three officers salaries, fuel to power vehicles, four color flyer, Typing insert, copying insert, Stapling insert, etc.

Lobbying is defined in HRS Chapter 97-1 (7) "Lobbying means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative or administrative action or ballot issue."

A quick glance at the police handout, which speaks for itself;

"The Maui Police Department opposes the following bills; S.B. 58 – which would increase the amount of marijuana one could possess, S.B. 175 – which transfer the jurisdiction over medical marijuana laws from the Department of Public Safety to the Department of Health, S.B. 1458 – which would create three classes of medical licenses and S.B. 1460 – which would establish a civil violation for the possession of one ounce or less of marijuana that is subject to fine of not more than \$100 and would delete the reporting requirements of the board of education for students possessing one ounce or less of marijuana.

Please go to the link below and submit your testimony online.

<http://www.capitol.hawaii.gov/session2011/>.

Chief Yabuta's statements to the Maui News further identify him as an unabashed lobbyist. How many rules have been broken here? Is there an ethical violation here?

WHO MUST REGISTER AS A LOBBYIST?

An individual must register as a lobbyist if the individual is paid or otherwise receives consideration or compensation for his or her lobbying services, whether by fee, retainer, or salary (or portion thereof), AND also meets either of the following two criteria:

(1) Spends more than \$750 in any reporting period lobbying,

OR

(2) Spends more than 5 hours in any month of any reporting period lobbying.

Does Chief Yabuta have such a financial interest in, not just keeping the status quo, but even turning back the clock, that his lobbying activities contain an element of financial self-interest?

Aside from such questions it seems quite clear that Chief Yabuta is a lobbyist. He meets all of the criteria. As you are aware there are rules concerning what lobbyists can and cannot do. One thing for sure is that they are to announce what they are doing.

Maui's armed politicking police seek to shoot down patient's rights!

Hawaii State medical marijuana laws, and legislative bills regarding medical marijuana, were being publically opposed by Maui County Police officers at organized events on Maui, in February 2011. They were handing out factually incorrect printed brochures at Wal-Mart in Kahului, Maui. The officers were armed with guns, wearing their uniforms, and a police car was prominently displayed, while passing shoppers were warned to

oppose current and proposed medical cannabis laws.

Maui's armed politicking police must be vigorously denounced and a full investigation should uncover how this outrageous situation was allowed to develop. Who authorized the events? Who paid for them? Why were the officers armed?

"Science should determine what medicine is," not armed police officers.

The brochures stated that "marijuana is not medicine" which is in direct conflict with Hawaii State law. Medical marijuana was legalized in Hawaii in 2000. However, patients still endure prejudice, and live in confusion and fear just trying to acquire their prescribed medicine. These events constitute an organized assault against patient's rights.

§04 -101- 2 Purpose. These rules are intended to provide for the efficient administration of the Code of Ethics, as set forth in Article 10 of the Charter of the County of Maui, and implement the declared policy of the Code of Ethics, which Section 10-1 of the Charter sets forth as follows:

Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

Here we have the Chief of Police handing out flyers that go in direct contrast of our Law! "MARIJUANA IS NOT MEDICINE!" You talk about sending the wrong message to our children! It's bad enough they are using armed police for lobbying, but moreover they are

sending the wrong message about the law of Hawaii.

Chief Yabuta should step down as Police Chief or be fired for his action. To have been using our Keiki as his reason in all his opposing is criminal! SENDING THE WRONG MESSAGE TO OUR KEIKI! Being the Chief of Police requires truth! Here the very reason they say that citizens must condemn these Bills for they will send the wrong message to our Keiki! What about their message of lies, misinformation and illegal lobbying on Maui County's dime!

"Lobbyist" means any person who engages himself or herself for pay or other consideration for the purpose of attempting to influence legislative or administrative action of the county.

I would like the records of the last 7 years of forfeiture money received by Maui Police from marijuana prohibition laws! This is how Chief Yabuta and Maui Vice receive financial consideration. Without these laws funds would dry up!

How does the Chief spend this money? I also like a break down how this money was spent by Maui Police! This will show the financial consideration received by the Maui Police & why this is so illegal! In third world country's Arm Man stand at all polling places to control the vote!

Hawaii is not a third world country and armed Police Officer's giving out blatantly incorrect and misleading information is wrong and the Chief should be removed.

Never mind that all of his testimony on medical marijuana is based on lies. The Gateway Theory has been proven false! DARE has been proven to be a waste of resources. Marijuana laws are the cash cow of law enforcement!

If we truly care about our Keiki! First use the truth, not some Police Chief who has a vested interest in keeping the status quo! It's the people processing business; I ask you do you know anyone that uses marijuana? Is this a person you want to send to jail? Regulate and control is the model needed to protect our Keiki. I look forward to your response with the answers to the crucial questions posed here, so we can go forward with charging the Maui Chief of Police.

LOBBYIST REGISTRATION

§04-101-80 Registration. Before appearing before any executive or legislative body, a lobbyist shall file a certified statement with the board setting forth:

- (1) The name, mailing address and business telephone number of the lobbyist;
- (2) A description of the subject matter of the lobbying; and
- (3) The name and principal place of business of each person or organization represented by the lobbyist and a written authorization to act as a lobbyist from each person by whom the lobbyist is employed or with whom the lobbyist contracts. The certified statement shall be in a form or forms prescribed or otherwise adopted by the board. [Eff. October 27, 1996] (Auth: Charter §13-2 .15; MCC §2.56.040) (Imp: MCC §2.56.040)

Can you also show me;

Were the Police have registration as a legal lobbies?

Who are these two officers in Vice Car?

Photo: Vice Car MKG 781 or 787 ?

Where are they assigned?

How much do they get paid?

Who pay for this undercover car?

Who is Officer Handing out Flyers?

Where is he assigned?

How much dose he get paid?

Where was Car MPD 459 Or 2459 sign out to & why?

Who produced this 4-color flyer?

How many where printed?

Who paid for Printing?

What other use dose these flyers have?

How many have been handed out by Maui Police?

Who type up insert?

Where are they assigned?

How much do they get paid?

How many copy's of insert where printed?

Wear were they copied (insert)?

Who stapled insert in flyer & where?

How much time has the Chief spent handing out flyers

How offend?

Wear?

How much dose the Chief get paid?

How dose the Chief get around to these event and at who's cost?

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Expense over \$750 or over 5 hr.

1 Chief Paid County Employee

2 Vice Officers County Employee's

1 DARE Officer County Employee

- 1 Chief Transportation
- 1 Vice undercover car
- 1 Police Car
- 1 Person to staple insert
- ? 4-color gloss flyer print
- ? Typed insert

I file this complaint asking for the above question be answer so I can finalize my complaint for Chief Yabuta & Maui County. I feel the record will illegal lobby by Chief Yabuta: I like to go forward with this Complaint but need information being with held and I ask this Board to compel the Police to answer these points so I can complete this complaint which will show the Police used over 5 hrs. of manpower & expense over \$750. Never mind the CHIEF LIED ABOUT THE FACTS FOR DEPARTMENTAL GAIN!

Brian Murphy

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