

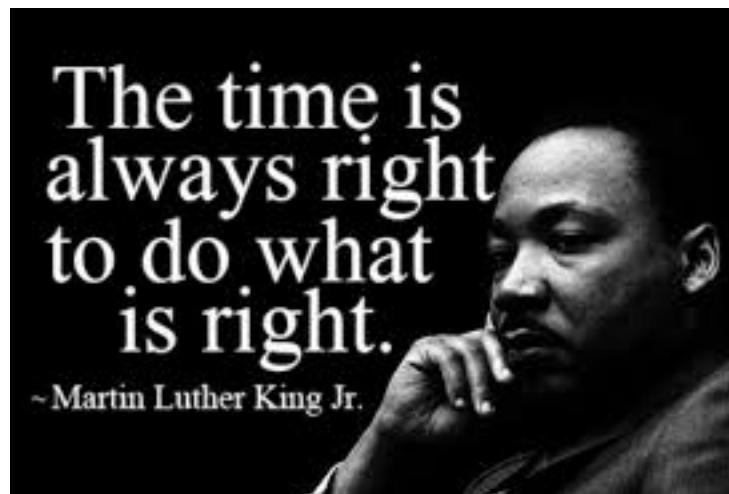
**January 20, 2020**

Constance Hee Lau  
President and CEO: Hawaiian Electric Industries, Inc.

Alan M. Oshima  
Chair, President and CEO: Hawaiian Electric Company, Inc.

**CONFIDENTIAL SETTLEMENT OFFER EXPIRES JANUARY 24, 2020 at 4:00PM HST**

Aloha e CEO Lau and Chair Oshima,  
On this beautiful January day in a highly-divided nation, Americans put aside differences, join together, and celebrate the life, teachings and leadership of Dr. King. We are reminded, “The time is always right to do what is right.” This historic observation also follows the annual holiday season where we reflect on values of family, ‘ohana, caring and compassion. This annual tradition allows us to begin a new year with hope, optimism and renewed energy to better our complex world.



Your selected attorney in this matter, Mr. Joseph A. Ernst, warned business leaders about the dynamic and rapidly-changing policy framework surrounding Medical Cannabis. He urged companies to update their policies or possibly face discrimination battles. I don't believe in coincidence. You hired me August 13, 2018. Mr. Ernst gave his presentation the next day, August 14th. Fate appears to have brought us together.

## **Likely To Prevail**

After researching Hawai'i and national policy and precedent, it looks as if I have an excellent chance to prevail. Although the Hawai'i Civil Rights Commission is considered “pro-business” and at least two commissioners are close colleagues of the Hawaiian Electric family, please take note the Commission has been unable to dismiss my complaint. Mr. Ernst's concerns seem accurate.

I recently applied for a Data Analyst position. This looks similar to the position for which HECO selected me last February. I am uniquely well-suited for this role. I can help your team. They need me. I need to be returned to “my professional IT family.”

## Unjust Hawaiian Electric Outrage

In Thao Tran's May 3, 2019, email to my attorney at the time, she ended negotiations:

*Thank you for your email and the proposed counteroffer. This is to inform you that we reject your counteroffer and, as you know, our offer is off the table as the deadline to respond to that offer has passed.*

*As mentioned in my previous phone conversation with you, the Company is discovering on a regular basis Mr. Goold's continued misrepresentation of, among others, our company's relationship with him, which was never an employer-employee relationship. Mr. Goold was never an employee of the Company and was not terminated from our Company. The Company has concerns with such misrepresentations.*

Please keep in mind Ms. Tran refused to speak directly with me. I begged, begged, begged, pleaded, cried, wept, and got down on my knees asking your legal team to meet with me and discuss this confusion. None would extend me professional courtesy. I do not understand why your managers have treated me in this manner. HR director Shana Buco ordered me to immediately leave the building February 25, 2019. She told me I was not allowed to work for Hawaiian Electric. This is termination.

As we know, Ms. Tran and Susan Li "misrepresented" facts and law in this matter. In their April 12, 2019 letter, they wrote:

*We questioned the validity of Mr. Goold's assertion that he informed the Company's HR Service Center Representative, Ms. Elizabeth Deer, of his disability and his use of cannabis for his disability prior to his drug test.*

Your team called me a liar. I'm a professional. I also have a documented phone log of the private call to Ms. Deer. Disrespecting me this way was wrong.

*It is undisputed that Hawaiian Electric was not aware of Mr. Goold's asserted disability and related medical issues at any time before the decision to rescind was made.*

Your team did not speak truthfully. The letter to your company representative, Ms. Tanonaka, February 19, 2019, from Straub Occupational Health Services Michael M. Kusaka, MD, informed Hawaiian Electric of my legal Medical Cannabis authorization. The management team was aware.

It appears your team took exception to my comments. I have always spoken factually. Likely, you and your executive team do not like being criticized. We all must accept constructive criticism. HEI is a public-regulated company. HEI has an obligation to rate payers and shareholders to provide competent governance over subsidiaries. You should honor the First Amendment protections, and it is possible I fall under whistle blower protection guarantees.

Your team made mistakes. This devastated our family. The water level in Ala Wai canal has been much higher in 2019 due to our family's tears. Devastated! Do you realize the pain, frustration, loss of hope, and distress your team's unprofessional behavior caused us? In return, I have likely said or written comments that you do not like. Is this now a matter of corporate and personal "ego"?

When I arrived in August to begin work for Hawaiian Electric, I wrote to CEO Lau through LinkedIn. My comments remain I'm sure. I was positive, thankful, grateful for the opportunity, and

excited to begin my work. That's the character of Scott Goold. The unfortunately incident caused us to have conflict.

On this glorious, honorable day of remembrance, I offer all of us — through the example of Dr. King — to choose Love over Hate. CEO Lau, you are considered a remarkable leader. Chair Oshima has served a distinguished career. Conflict can only diminish your fine reputations. Resolving this matter is in all of our interests.

Last January I met with my IT manager, Lori Yafuso, as she offered me the opportunity to end my contractor role and join the internal team. She remarked, "We've been dating long enough. It's time to get married and make this a permanent team."

She's the best manager I've had in my life. I'm on the most talented team of my career. We have both an excellent and perfect fit. We belong together. For the good of Hawaiian Electric, for the best interests of residents and rate payers in Hawai'i, I belong serving with this team.

I've been an athlete all my life. I only do well on teams and with strong "coaches." She's the best for me. I also think in sports metaphors, as Ms. Yafuso likes to point out affectionately.

In 2018, I began training with HECO for Energy Olympics 2019 and 2020. We had a critical mission to accomplish. Yet days before the opening of our Olympic Games, I was removed from the team for an alleged "doping" violation. We had checked the rules, as listed in HEI Corporate Code of Conduct. My pain medication is both legal and prescribed. This suggested it fell within your allowances.

I specifically asked HR when I had the opportunity. I was told I would "be fine." I never medicate before or during work hours — again within your company guidelines. I've never been intoxicated or impaired at work, as ALL companies demand.

Most importantly, one of my recent assignments was with a company serving NASA and the US Department of Defense. There are five nuclear reactor on site. They are a Homeland Security protected facility. They drug tested. They allowed me to work for the company, as well as continue my medication, as I am considered a "non-safety sensitive" employee in my IT role.

Your executive team claimed you follow US policy on cannabis. As Mr. Ernst pointed out, even US policy has changed. The US Department of Transportation documents the evolution.<sup>1</sup> They highlight the October 19, 2009 Memorandum For Selected United States Attorneys. Specifically:

*This memorandum provides clarification and guidance to federal prosecutors in States that have enacted laws authorizing the medical use of marijuana (cannabis) ...this memorandum provides uniform guidance to focus federal investigations and prosecutions in these States on core federal enforcement priorities.*

*As a general matter, pursuit of these priorities should not focus federal resources in your States on individuals who actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana (cannabis).<sup>2</sup>*

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<sup>1</sup> <https://www.transportation.gov/odapc/medical-marijuana-notice>

<sup>2</sup> <https://www.justice.gov/sites/default/files/opa/legacy/2009/10/19/medical-marijuana.pdf>

As I've pointed out additionally, the US Department of Veteran Affairs authorized the use of medical cannabis January 2018 — some nine months before I began working for Hawaiian Electric. Federal policy is broken. Some 33 states authorize medical cannabis, along with the District of Columbia, and the US Department of Veteran Affairs. The DEA classification of cannabis as a Schedule I substance and claim of "no medical purpose" is clearly and legally contradicted.

In such confusion, we look to states for guidance, and the State of Hawai'i legalized medical cannabis in 2000. Per HEI Code of Conduct, my medication is permissible as it is not "illegal" nor "unprescribed." Mr. Ernst recommended companies update their policies. You were warned.

- d. Reporting to work under the influence of alcohol or drugs, drinking alcoholic beverages (other than as permitted at functions or events approved by your respective Company President), possession or the unprescribed use or distribution of any controlled substance or illegal drug, or any other illegal act which occurs on work premises (including any non-Company site where you are performing work on behalf of the Company) or during your work hours (including meal breaks or rest periods) or which interferes with work performance.\*

## Proposal

Due this legal uncertainty and facts of my dismissal, it is likely I will prevail. I will request back pay, front pay or a return to work. There could be punitive damages assigned as well. Your legal team may have acted maliciously. Wouldn't it make better business sense to engage in ho'oponopono, shake hands, and put this behind us?

Hawaiian Electric could lose rate payer money — thus, put me to work. Let me earn my compensation by serving residents of Hawai'i. I already "earned" the position, which is a core value in America. Remarkable people put egos aside. They put the larger interest ahead of personal or corporate self-interest. I am uniquely qualified to meet the needs of HECO. It takes months to find suitable talent. It frustrates managers and staff to be short-handed or constantly recruiting.

I notified Mr. Ernst I applied for Database Analyst (4196) about January 9th. This looks similar to the internal position for which I qualified last January. It was a perfect fit for HECO and my team. It's time to RIGHT this injustice — in the spirit of Dr. King. What do you believe he would say about taking away a person's job for using a legal medication at night before bed? I can't believe he would find this to be a just termination from employment.

If you select me and return me to work, I will compromise on backpay. I am currently seeking 100% of my contractor rate from February 26, 2019 to date. If we reach agreement, I will drop my request and seek only 50% of back compensation. The dismissal devastated our family emotionally and financially. Nothing repays the tears and fears. We are willing to meet you in the middle regarding lost compensation.

By law, an aggrieved employee is required to seek employment. I am meeting that stipulation. A company is likewise required to act in good faith to return the employee. All parties must compromise, seek remedy, and work to mitigate the conflict. This is our opportunity.

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*The time is always right to do what is right.* Can we be remarkable people at this time? Thank you for your consideration and time.

\s\ Scott Goold \s\

Scott Goold

Honolulu, HI 96815