

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 2/19/21.

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>January 15, 2021</b>
Location	Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 2:27 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Kelly Gentry, Dean Toyofuku, Mary Tudela. Also: Deputy County Attorney Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti. Requestors: Michael Contrades, Ka'aina Hull.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>	Member Gentry joined the meeting at 1:12pm due to technical issues.	Chair Burriss called the meeting to order at 1:02 p.m.  Roll call: Member Gentry: tardy Member Toyofuku: present Member Tudela: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Five members present, which constituted a quorum.
<b>Approval of Minutes</b>	<u>Open Session Minutes of December 11, 2020</u> Secretary Latkiewicz corrected at the bottom of pg. 2, "Mr. Foster to give Deputy County Attorney "to" prepare, should be "time to prepare." Continuing on page 2, third section, "He stated that "A" should be "a" company may have more. Top of page 3, If they have other reasons that outweigh this "than", should be "then".  Member Tudela corrected on page 2, Tudela motioned and seconded.	Secretary Latkiewicz moved to approve the minutes as amended. Member Tudela seconded.  Voice Vote: 5 ayes, 0 nays Motion carried 5:0

SUBJECT	DISCUSSION	ACTION
<b>Public Testimony</b>	<u>None</u>	
<b>Communication</b>	<u>None</u>	
<b>Request for an Advisory Opinion</b>	<p><u>RAO 2021-01 Request for an Advisory Opinion from Michael Contrades received January 4, 2021 relating to an offer of a part-time position as the Kaua'i Field Representative for Congressman-Elect Kaiali'i Kahele while also employed as a contract hire.</u></p> <p>Member Tudela asked if Mr. Contrades knew when his contract will end and how many hours he works.</p> <p>Mr. Contrades stated that his contract currently ends in April, he is aware there is more work but it is up to the County if he will continue. He currently works 40 hours/week, and takes off as needed.</p> <p>Member Tudela asked Mr. Foster and Ms. Ching regarding conflicts relative to campaigns, but is not sure if it is relevant to County employment.</p> <p>Mr. Foster stated that there are no restrictions relative to this request. He researched other counties and state ethic. State ethics said that it is not an unusual case and should be dealt with like other employment issues. He stated that it is unrelated to campaign issues.</p> <p>Member Tudela clarified that if there is a finding of no conflict would they need to make it clear that campaigning is not allowed.</p> <p>Mr. Foster stated that it's at the Boards discretion to place any limitations, but it is not part of his request.</p> <p>Member Toyofuku confirmed with Mr. Foster that he could not find any previous precedence and as far as the County Charter and Ethics Rules there is no ethical concerns. He further stated that he is comfortable with approving, Mr. Contrades, as Mr.</p>	<p>Member Tudela moved to approve RAO 2021-01 for discussion. Vice Chair Shiraishi seconded.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Contrades has spoken to the Mayor and HR and they have no issues with it and is supportive. He also noted the response from the Federal Ethics with three conditions as well as Congressman Kahale’s understanding under those conditions. He understands that he will have to follow all federal rules and guidelines so is not concerned with the campaigning.</p> <p>Chair Burriss entertained a motion.</p> <p>Vice Chair Shiraishi thanked Mr. Contrades for providing the Board with information that the Board would want. She also appreciated that he stated that he will not engage in Federal work on County time and will recuse himself or seek Board clarification should a conflict arise along with the three conditions from Federal Ethics.</p>	<p>Vice Chair Shiraishi moved to find no conflict. Member Toyofuku seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>
	<p><u>RAO 2021-02 Request for an Advisory Opinion from Ka'aina Hull received January 5, 2021 relating to an outside employment offer to be the Kaua'i Field Representative for the Office of Senator Brian Schatz.</u></p> <p>Chair Burriss entertained a motion to receive or find no conflict.</p> <p>The Board did not have any questions for Mr. Hull.</p> <p>Chair Burriss entertained a motion to find no conflict.</p> <p>Member Toyofuku stated that the request is similar to Mr. Contrades request except for a U.S. Senator and he also has the Mayor and Managing Director’s support. He wanted to make it clear that Mr. Hull will take his own personal time to conduct his duties as liaison for Senator Schatz.</p> <p>Mr. Hull stated that he will take vacation when he has to take meetings or when the Senatir visits.</p> <p>Member Toyofuku pointed out that this is a similar situation to Mr. Izumo and for the record having Mr. Contrades and Mr. Hull as liaisons for a Congressman and a Senator on paper may be or will be a benefit to the County of Kauai.</p> <p>Mr. Hull responded to concerns of campaigning activities. He stated that the Federal</p>	<p>Secretary Latkiewicz moved to receive RAO 2021-02 for discussion. Member Tudela seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Standards are stricter than State and County standards, and that when campaigns occur at the Federal level salaried staff cannot take part in the campaign. He noted that staff may take leave away from the office to participate, but that he will not be participating with the campaign.</p>	<p>Member Tudela moved to find no conflict. Vice Chair Shiraishi seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p><b>Business</b></p>	<p><u>BOE 2020-34 Discussion and possible action regarding the adoption of the Charter Amendment on Disclosure Statements and next steps (Deferred 11/20/2020, 12/11/2020).</u></p> <p>Ms. Ching suggested asking for a motion to defer due to length of agenda.</p> <p>Chair Burriss entertained a motion to defer.</p>	<p>Vice Chair Shiraishi moved to defer BOE 2020-34. Secretary Latkiewicz seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2020-37 Discussion and possible action regarding Advisory Opinion in response to RAO 2020-05.</u></p> <p>For review only.</p>	<p>No action.</p>
<p><b>Disclosures</b></p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Mason Chock, Councilmember</li> <li>2. Felicia Cowden, Councilmember</li> <li>3. Bill DeCosta, Councilmember</li> <li>4. Luke Evslin, Councilmember</li> <li>5. Arryl Kaneshiro, Councilmember</li> <li>6. KipuKai Kualii, Councilmember</li> <li>7. Bernard Carvalho Jr., Councilmember</li> <li>8. Jade Fountain-Tanigawa, County Clerk</li> <li>9. Scott Sato, Deputy County Clerk</li> <li>10. Laura Barzilai, Deputy County Attorney</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>11. Rebecca Like, Second Deputy Prosecuting Attorney            12. Jennifer Winn, Deputy Prosecuting Attorney            13. Kimberly Torigoe, Deputy Prosecuting Attorney            14. Keola Siu, Deputy Prosecuting Attorney            15. Katherine Caswell, Deputy Prosecuting Attorney            16. Justin Kollar, Prosecuting Attorney            17. Anne Clarkin, Deputy Prosecuting Attorney            18. Tyler Saito, Deputy Prosecuting Attorney            19. Tracy Murakami, Deputy Prosecuting Attorney            20. Michelle Lizama, Deputy Director of Finance            21. Cecilio Balaris Jr., Liquor Control Acting Director            22. Nalani Brun, Office of Economic Development Director            23. Sarah Blane, Chief of Staff            24. Todd Dickenson, Deputy Prosecuting Attorney            25. Matthew Arakawa, Deputy Prosecuting Attorney            26. Michael Gibson, Deputy Fire Chief            27. Leon Davenport III, Deputy Prosecuting Attorney            28. Henry Ross III, Deputy Prosecuting Attorney            29. Jeen Hee Kwak Pang, Deputy Prosecuting Attorney</p> <p><u>Volunteers:</u>            30. Marissa Sandblom, Charter Review Commissioner            31. Laurie Yoshida, Salary Commissioner            32. Kenneth Rainforth, Police Commissioner            33. Dean Toyofuku, Board of Ethics Member</p> <p>Members noted that Tyler Saito is incomplete, position left blank and no source of income.</p> <p>Secretary Latkiewicz is concerned about the use of abbreviations and incompleteness of positions being completely filled in. Board discussed enlarging that section to the electronic form, and ask for acronyms to be spelled out.</p> <p>Secretary Latkiewicz noted that Kenneth Rainforth's income includes his wife's.</p>	<p>Secretary Latkiewicz moved to approve #1-#17 inclusive and #19-#31 inclusive. Member Tudela seconded.</p> <p>Voice Vote:            6 ayes, 0 nays            Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Board discussed whether more information is a problem, as well as breaking out Stocks and Bonds and specifying brokerage firm, assets manager versus the income of each, pension, stocks and bonds.</p> <p>Chair Burriss entertained a motion to send back anything that is not submitted by category.</p> <p>Ms. Ching deferred to Mr. Foster regarding the motion and that it is a policy and is not an agenda item.</p> <p>Mr. Foster stated that it can be a part of discussion but no action can be taken.</p> <p>Chair Burriss entertained a motion to approve 1 - 17 inclusive and 19-31 inclusive and 33. Vice Chair Shiraishi pointed that Member Toyofuku's needs to be separate.</p> <p style="text-align: center;"><i>Board recessed from 1:57pm-2:02pm</i></p>	<p>Secretary Latkiewicz moved to approve #33. Vice Chair Shiraishi seconded.</p> <p>Voice Vote:          5 ayes, 0 nays          Motion carried 5:0:1          Member Toyofuku abstained</p> <p>Member Tudela moved to return #18 for occupation and source of income. Secretary Latkiewicz seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p> <p>Secretary Latkiewicz moved to return #32 for clarification on his own income, independent, and sources of income broken down. Vice Chair Shiraishi seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Executive Session</b></p>	<p><u>ES-035 Pursuant to Hawai'i Revised Statutes §92-4, §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for the Board to approve or amend the Executive Session Minutes of December 11, 2020, and to consult with its attorney on issues pertaining to the Board's powers, duties, privileges, immunities, and /or liabilities as they may relate to this item.</u></p> <p><u>ES-036: BOE 2020-33 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss and possibly make decisions regarding the resolution of Complaint No. 20-001 and other related matters.</u></p> <p style="text-align: center;"><i>The Board moved into Executive Session at 1:52 pm</i></p>	<p>Member Toyofuku moved to go into executive session at 2:02pm.          Member Tudela seconded.</p> <p>Voice vote:          6 ayes, 0 nays          Motion carried 6:0</p>
<p><b>Return to Open Session</b></p>		<p>The Board resumed in Open Session at 2:23pm</p> <p>Roll call:          Member Gentry: present          Member Toyofuku: present          Member Tudela: present          Secretary Latkiewicz: present          Vice Chair Shiraishi: present          Chair Burriss: present          Six members present, which constituted a quorum.</p>

SUBJECT	DISCUSSION	ACTION
	Ratify on Board actions taken in Executive Session.	Member Tudela moved to ratify actions taken in Executive Session. Secretary Latkiewicz seconded.  Voice vote: 6 ayes, 0 nays Motion carried 6:0
<b>Announcements</b>	Next Meeting: Friday, February 19, 2021 at 1:00pm	
<b>Adjournment</b>		Vice Chair Shiraishi moved to adjourn the meeting Member Gentry seconded.  Voice vote: 6 ayes, 0 nays Motion carried 6:0  Meeting adjourned at 2:27pm.

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist Susan Burriss, Chair

- ( X ) Approved as circulated.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_