

# Approved

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 1/21/22.

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>December 17, 2021</b>
Location	Teleconference	Start of Meeting: 1:04 p.m.	End of Meeting: 2:17 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching joined at 1:34pm, and Support Clerk Anela Segreti.		
Excused	Kelly Gentry		
Absent			
SUBJECT			
DISCUSSION			
ACTION			
<b>Call To Order</b>			Chair Burriss called the meeting to order at 1:04 p.m.  Roll call: Member de la Pena: present Member Gentry: excused Member Toyofuku: 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 November 19, 2021</u>  Chair Burriss entertained a motion to accept the minutes as presented.		Secretary Latkiewicz moved to accept the minutes as presented. Member de la Pena 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 Advisory Opinion</b>	<u>None</u>	
<b>Business</b>	<p><u>BOE 2021-32 Discussion and possible action on implementation of the new ordinance regarding disclosure statements.</u></p> <p>Deputy County Attorney Larrimore had nothing to add, pointed out that Board is charged with enforcing the Code of Ethics along with Mayor and County Council. Board will accomplish the new ordinance through Boards and Commissions staff. Ellen is working on moving forward and should be the one to speak on it.</p> <p>Chair Burriss entertained a motion to defer.</p>	<p>Vice Chair Shiraishi moved to defer BOE 2021-32. Member de la Pena seconded.</p> <p>Voice vote: 5 ayes, 0 nays          Motion carried 5:0</p>
	<p><u>BOE 2021-33 Discussion and possible action on changes to the disclosure statement form.</u></p> <p>Anela Segreti, staff, stated to Board that she and Administrator has reviewed form and after discussion feel that it is fine as is.</p> <p>Chair Burriss entertained a motion to approve changes to the disclosure statement form.</p>	<p>Secretary Latkiewicz moved to approve the disclosure statement form as presented. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays          Motion carried 5:0</p>
	<p><u>BOE 2021-34 Discussion and possible action on revisions to Board Rules and Regulations.</u></p> <p>Deputy County Attorney Larrimore asked the Board to consider a review of the Rules and Regulations of the Board of Ethics. He pointed out that the current Rules and Regulations were adopted on October 15, 2009, and on March 11, 2010, adoptive rules were adopted. In his time advising he's looked at the documents and feels that there are some opportunities to update. Moving forward they can look at them by forming a</p>	

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	<p>Permitted Interaction Group (PIG), discuss by adding an agenda item to each meeting. He will work with Boards and Commissions staff to present Board with new language to review and decide whether they want to move forward with the revisions. This would take a series of meetings, then if changes were decided upon, the rule making process would follow and it would take several meetings to complete if the Board wants to move forward.</p> <p>Chair Burriss asked if any member had a particular provision that they would like changed. Not hearing any, she asked Deputy County Attorney Larrimore when he thought they would need to be updated.</p> <p>Deputy County Attorney Larrimore replied that he thought a small compliance matter would be to update disclosure to mirror the language in the ordinance. Also looking at Rules 6, 7, and 8 regarding complaint and hearing process are contemporary with other Boards of Ethics in the State.</p> <p>Chair Burriss stated that some of our rules are breach with other counties in the State, yet some have vastly more lengthy rules on a number of those subjects. She thinks that it would be worthwhile to submit a menu of things that Deputy County Attorney Larrimore suggest being looked at.</p> <p>Deputy County Attorney Larrimore agreed.</p> <p>Vice Chair Shiraishi stated that she remembers over the years that they wished Board Rules were a little more specific. She thinks that some areas are quite vague and leaves it open to interpretation, she would like it to have been tightened up and more specific. She noted that she and Member Toyofuku after attending a conference a couple of years ago felt that our Rules were more vague than other Counties. She agreed that it would be good to have Deputy County Attorney Larrimore review them and maybe a smaller group like a PIG because it seems like a project.</p> <p>Deputy County Attorney Larrimore said that he's happy to present, like Chair mentioned, a sort of menu of options that he thinks they can sort of incorporate with either a PIG or the full board and maybe create a more detailed road map that the Board can take a look at and decide from there whether they want to move forward.</p>	

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	<p>Chair Burriss agreed and stated that she’s a little bit hesitant because of the timing to form a PIG right now with a changing of the guard.</p> <p>Ms. Segreti reminded the Board that to establish a PIG it needs to be an agenda item and could not be done today.</p> <p>Chair Burriss entertained a motion to direct Deputy County Attorney Larrimore to go ahead with bringing a menu of Rules to be considered by the Board for changes.</p>	<p>Secretary Latkiewicz moved to have Deputy County Attorney Larrimore go ahead with bringing a menu of Rules to be considered by the Board for changes. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 5 ayes, 0 nays          Motion carried 5:0</p>
	<p><u>BOE 2021-35 Discussion and possible action on a disclosure/fine schedule.</u></p> <p>Chair Burriss asked what had happened in the past if there was a formal presentation.</p> <p>Ms. Segreti stated that she found a presentation from former Deputy County Attorney Nicholas Courson but did not find any other.</p> <p>Member Toyofuku stated that he remembered something from former Deputy County Attorney Maryann Sasaki. He thinks they took some action on it. He continued that the fine schedule and ordinance for the regulatory employees went hand in hand, they were started at the same time. He questions what they will do if they need to fine someone, there is no fine schedule. He believes that part of the issue was that there is not an appeal process for the Board of Ethics, so if someone is fined, how do they appeal. He believes it may go along with suggestions on revisions to the Rules and Regulations. He remembers that they were on their way, but that it was just forgotten so he asked for the agenda item.</p> <p>Chair Burriss remembers reading and seeing information, but not anything proposed for the Boards approval.</p> <p>Ms. Segreti researched past agendas and minutes and did find a memo from former Deputy County Attorney Maryann Sasaki.</p>	

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	<p>Member Toyofuku remembered that they acted on it.</p> <p>Deputy County Attorney Larrimore asked if Ms. Sasaki was working on an ordinance?</p> <p>Member Toyofuku replied that he didn't think it was an ordinance. He thinks it was maybe an amendment to the Rules.</p> <p>Ms. Segreti reviewed minutes and found that it was received in June 2019 and deferred every meeting after that through 2019 and Ms. Sasaki left the County, and nothing further was done.</p> <p>Board discussed having Deputy County Attorney Larrimore review what was presented by Ms. Sasaki.</p> <p>Deputy County Attorney Larrimore stated that he would review it, but may have a different opinion, and get back to the Board. He stated that there are different ways to accomplish a fee schedule, ordinance, Charter amendment, Rules, etc. He wants to look at what he may advise and may continue as a separate agenda item, in case it does not fold into the Rules package.</p> <p>Chair Burriss entertained a motion to defer.</p>	<p>Member Toyofuku moved to defer BOE 2021-35 to the next meeting. Member de la Pena seconded.</p> <p>Voice vote: 5 ayes, 0 nays          Motion carried 5:0</p>
	<p><u>BOE 2021-36 Discussion and possible approval of the 2022 meeting calendar.</u></p> <p>Hearing no comments Chair Burriss entertained a motion to approve the 2022 meeting calendar.</p>	<p>Secretary Latkiewicz moved to approve the 2022 meeting calendar. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 5 ayes, 0 nays          Motion carried 5:0</p>
	<p><u>BOE 2021-37 Election of Chair, Vice Chair and Secretary for Calendar Year 2022.</u></p> <p>Chair Burriss entertained a nomination of a Chair for 2022.</p> <p>Member de la Pena nominated Vice Chair Shiraishi.</p>	

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	<p>Vice Chair Shiraishi stated that she will be on just for another three months.</p> <p>Member de la Pena nominated Member Gentry who was excused and not present at the meeting.</p> <p>Chair Burriss stated that she could refuse and they will need to nominate in January.</p> <p>Chair Burriss entertained nominations for Vice Chair for 2022.</p> <p>Vice Chair Shiraishi nominated Secretary John Latkiewicz.</p> <p>Secretary Latkiewicz accepted the nomination.</p> <p>Chair Burriss entertained nomination for Secretary for 2022.</p> <p>Member Toyofuku nominated Member Ryan de la Pena.</p> <p>Member de la Pena accepted the nomination.</p>	<p>Member de la Pena nominated Member Gentry who was excused and not present at the meeting for Chair. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays Motion carried 5:0</p> <p>Vice Chair Shiraishi nominated Secretary John Latkiewicz for Vice Chair. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays Motion carried 5:0</p> <p>Member Toyofuku nominated Secretary John Latkiewicz for Vice Chair. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 5 ayes, 0 nays Motion carried 5:0</p>
<p><b>Disclosures</b></p>	<p><u>Employee:</u></p> <ol style="list-style-type: none"> <li>1. Felicia Cowden, Councilmember</li> <li>2. Lori Koga, Charter Review Commission</li> <li>3. Leo Sandoval, Director, Liquor Control Department</li> <li>4. Alfredo Garces, Fire Commission</li> <li>5. Beverly Gotelli, Civil Service Commission</li> <li>6. Francis Kaawa, Civil Service Commission</li> <li>7. V. Pamai Cano, Civil Service Commission</li> <li>8. Donna Apisa, Planning Commission</li> <li>9. Shaylene Iseri, Candidate, Prosecuting Attorney</li> <li>10. Katherine Otsuji, Board of Review</li> </ol>	<p>Member de la Pena moved to approve Disclosures 1-10. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 5 ayes, 0 nays Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Executive Session</b></p>	<p><u>ES-020 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 November 19, 2021, 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-004 BOE 2021-08 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 a notarized formal complaint received February 8, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua'i County Charter section 20.02 B, 20.02 E and 20.02 F.</u></p> <p><u>No officer or employee of the county shall:</u></p> <p><u>B. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer or employee's official duties or use such information for the officer or employee's personal gain or for the benefit of anyone.</u></p> <p><u>E. Use the officer or employee's official position to secure a special benefit, privilege, or exemption for the officer or employee or others.</u></p> <p><u>F. Use county property for other than public activity or purpose.</u></p>	<p>Member Toyofuku moved to go into Executive Session at 1:45 p.m.          Member de la Pena seconded.</p> <p>Voice Vote: 5 ayes, 0 nays.          Motion carried 5:0</p>
<p><b>Return to Open Session</b></p>		<p>The Board resumed in Open Session at 2:15 p.m.</p> <p>Roll call:          Member de la Pena: present          Member Gentry: excused          Member Toyofuku: present          Secretary Latkiewicz: present          Vice Chair Shiraishi: present          Chair Burriss: present</p>

SUBJECT	DISCUSSION	ACTION
		Five members present, which constituted a quorum.
	<u>Ratify on Board actions taken in Executive Session.</u>	Vice Chair Shiraishi moved to ratify the actions taken by the Board in Executive Session. Member de la Pena seconded.  Voice Vote: 5 ayes, 0 nays. Motion carried 5:0
<b>Announcements</b>	Next Meeting: Friday, January 21, 2022, at 1:00pm  Vice Chair Shiraishi's last month is March 2022. Chair Burriss clarified that her term ends December 31, 2022, and wished everyone a Happy Holidays.	
<b>Adjournment</b>		Hearing no objections Chair Burriss adjourned the meeting at 2:17 p.m.

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

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