

**Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 07/15/22.

|                   |   |                             |                           |
|-------------------|---|-----------------------------|---------------------------|
| Board/Commission: | <b>BOARD OF ETHICS</b>  | Meeting Date                | <b>June 17, 2022</b>      |
| Location          | Boards & Commissions Conference Room, Pi'ikoi Building  | Start of Meeting: 1:07 p.m. | End of Meeting: 1:38 p.m. |
| Present           | Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti. |                             |                           |
| Excused           | Chair Kelly Gentry, Vice Chair John Latkiewicz.   |                             |                           |
| Absent            |   |                             |                           |

| SUBJECT  | DISCUSSION   | ACTION  |
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| <b>A. Call To Order</b><br><b>B. Roll Call</b> | Chair Kelly Gentry and Vice Chair John Latkiewicz are excused from today's meeting and Secretary de la Pena called the meeting to order and called for nominations of a Chair Pro Tem for the meeting. | Secretary de la Pena called the meeting to order at 1:07 p.m.<br><br>Roll call:<br>Member Burriss: present<br>Member Ramos-Benzel: present<br>Member Toyofuku: present<br>Secretary de la Pena: present<br>Vice Chair Latkiewicz: excused<br>Chair Gentry: excused<br>Four members present, which constituted a quorum.<br><br>Member Burriss moved to nominate Secretary de la Pena Chair Pro Tem for today's meeting. Member Toyofuku seconded.<br><br>Motion carried 4:0 |

| SUBJECT                                | DISCUSSION   | ACTION  |
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| <b>C. Approval of Agenda</b>           | Secretary de la Pena entertained a motion to approve the agenda.   | Member Toyofuku moved to accept the agenda as submitted. Member Ramos-Benzel seconded.<br><br>Voice vote: 4 ayes, 0 nays<br>Motion carried 4:0                    |
| <b>D. Approval of Minutes</b>          | <u>Open Session Minutes of May 20, 2022</u><br><br>Secretary de la Pena entertained a motion to accept the minutes as presented.   | Member Toyofuku moved to accept the minutes as presented. Member Burriss seconded.<br><br>Voice vote: 4 ayes, 0 nays<br>Motion carried 4:0                        |
| <b>E. Public Testimony</b>             | <u>None</u>  |   |
| <b>F. Communication</b>                | <u>None</u>  |   |
| <b>G. Request for Advisory Opinion</b> | <u>None</u>  |   |
| <b>H. Business</b>                     | <p><u>BOE 2022-16 Discussion and possible action regarding Advisory Opinion in response to RAO 2022-01.</u></p> <p>Administrator Ching updated the Board with a communication from Prosecuting Attorney informing the Board that the individual has left the Prosecuting Attorney's office and is therefore withdrawing the request.</p> <p>Deputy County Attorney Larrimore confirmed that the request has been withdrawn. He suggested a letter be sent stating that the request had been withdrawn and that the Board made no findings on the question brought before them as a request.</p> <p>Secretary de la Pena entertained a motion to accept the withdrawl of RAO 2022-01.</p> | <p>Member Burriss moved to receive the communication of the withdrawl. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>Motion carried 4:0</p> |

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|         |  | <p>Member Burriss moved to have DCA Larrimore draft a letter to the Prosecuting Attorney advising that the withdrawal has been accepted and will not be taking any action on the request. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>           Motion carried 4:0</p>  |
|         | <p><u>BOE 2022-17 Discussion, possible action, and possible approval of The Kaua‘i County Board of Ethics (the “Board”) proposal to amend Rule 3 of the Board’s Rules and Regulations to expand the categories of individuals required to file disclosures as well as to clarify that the disclosures of regulatory employees are not open for public inspection.</u></p> <p>Secretary de la Pena entertained a motion to approve the amendments to Rule 3 of the Boards Rules and Regulations to expand the categories of individuals required to file disclosures as well as to clarify that the disclosures of regulatory employees are not open for public inspection.</p> <p>Deputy County Attorney Larrimore suggested that the Board find that the amendment doesn’t affect small business as it’s a rule that affects County officials and employees. He suggested that they first make a motion finding that the rules do not affect small business and then a motion to approve if that is the will of the Board. He clarified that this applies to rule making.</p> | <p>Member Burriss moved to approve the amendments to Rule 3. Member Toyofuku seconded.</p> <p>Member Burriss moved to withdraw her motion and Member Toyofuku withdrew his second.</p> <p>Member Burriss moved to find that the amendment will not cause a direct or indirect affect on small business. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>           Motion carried 4:0</p> <p>Member Burriss moved to approve the amendments to Rule 3. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>           Motion carried 4:0</p> |

| SUBJECT                      | DISCUSSION   | ACTION   |
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| <p><b>I. Disclosures</b></p> | <p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Leo Sandoval-Reyes, Director Liquor Control Department</li> <li>2. John Berry, Investigator, Liquor Control Department</li> <li>3. Lawrence Stem, Investigator, Liquor Control Department</li> <li>4. Reid Yoshida, Investigator, Liquor Control Department</li> <li>5. Kenneth Herman, Investigator, Liquor Control Department</li> </ol> <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>6. Mark Ono, Public Access, Open Spaces and Natural Resources Preservation Fund Commission</li> </ol> <p><u>Candidates:</u></p> <ol style="list-style-type: none"> <li>7. Michael Roven Poai, Mayoral Candidate</li> <li>8. Bill DeCosta, County Council Candidate</li> <li>9. Rosemarie Jauch, County Council Candidate</li> </ol> <p>Secretary de la Pena asked if anyone had any issues with numbers 1-9.</p> <p>Member Burriss stated that she had questions on #7. There is no response to spouse name, and source of compensation and truck loan. The numbers were also puzzling.</p> <p>Secretary de la Pena entertained a motion to accept disclosures 1-6, 8, and 9.</p> | <p>Member Burriss moved to accept disclosures 1-6, 8, and 9. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>       Motion carried 4:0</p> <p>Member Burriss moved that staff send a letter to Mr. Poai (#7) regarding request for further information or clarification. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>       Motion carried 4:0</p> |

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| <p><b>J. Executive Session</b></p>      | <p><u>ES-007 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 May 20, 2022, 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-002 BOE 2022-01 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for discussion and possible action on 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 1:26 pm. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays<br/>         Motion carried 4:0</p>                        |
| <p><b>K. Return to Open Session</b></p> |   | <p>The Board resumed in Open Session at 1:37 p.m.</p>   |
|   | <p><u>Ratify on Board actions taken in Executive Session.</u></p>   | <p>Member Burriss moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded.</p> <p>Voice Vote: 4 ayes, 0 nays.<br/>         Motion carried 4:0</p> |

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|-------------------------|---|---|
| <b>L. Announcements</b> | Next Meeting: Friday, July 15, 2022, at 1:00pm<br><br>Administrator Ching asked the Board if they would like a report on candidates that have filed disclosures. Stating that all candidates have 7 days to file disclosure and not all have been received. | Secretary de la Pena asked for report on candidate filings of disclosures be added to the agenda. |
| <b>M. Adjournment</b>   |   | Secretary de la Pena adjourned the meeting at 1:38 p.m.   |

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
Anela Segreti, Administrative Specialist Ryan de la Pena, Secretary

Approved as circulated.

Approved with amendments. See minutes of \_\_\_\_\_