



COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 9/16/2022.

Board/Commission:	BOARD OF ETHICS	Meeting Date	August 12, 2022
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 2:13 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku (joined at 1:10pm). Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti. Testifier: Todd Raybuck, Chief of Police		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
A. Call To Order B. Roll Call	Vice Chair Latkiewicz chaired the meeting for Chair Gentry who was present.	Vice Chair Latkiewicz called the meeting to order at 1:02 p.m. Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: tardy Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: present Five members present, which constituted a quorum.	

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C. Approval of Agenda	Vice Chair Latkiewicz asked if anyone wanted to testify on this item. Hearing none Vice Chair Latkiewicz entertained a motion to approve.	Secretary de la Pena moved to accept the agenda as submitted. Member Ramos-Benzel seconded. Voice vote: 5 ayes, 0 nays Motion carried 5:0
D. Approval of Minutes	Vice Chair Latkiewicz asked if anyone wanted to testify on this item. Hearing none Vice Chair Latkiewicz entertained a motion to approve.	Member Burriss moved to accept the minutes of 7/15/22 as submitted. Secretary de la Pena seconded. Voice vote: 5 ayes, 0 nays Motion carried 5:0
E. Public Testimony	None	
F. Communication	None	
G. Request for Advisory Opinion	<p><u>RAO 2022-02 Request for an Advisory Opinion from Chief of Police Todd Raybuck received July 28, 2022, relating to outside employment requests from four Officers to work as Private Security Guards.</u></p> <p>Administrator Ching asked if anyone wanted to testify on this agenda item, hearing none she noted that no one stepped forward.</p> <p>Chief Todd Raybuck went over his presentation (on-file) regarding his concerns and issues to review and provide an opinion on. He reviewed that he received four outside employment requests from police officers to work as private security guards. He found no record of previous practice where KPD has authorized individuals to work in outside employment as security. He addressed that both the collective bargaining agreement and department policy does allow it, but it must follow the law, the policy and the code of ethics. He went over the specifics and other documents that he provided for the board to review. He pointed out Chapter 463-7 that covers private detectives and guards states that a license is required. He then noted that HAR Title 16 Chapter 37, page 97-4 under</p>	

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	<p>subsection 1697-2 describing a guard, and under page 97-9, section 1697-8, conflict of interest. He is requesting whether KPD sworn officers should be approved as private security guards, his interpretation is that they are not permitted based on that they cannot obtain a license.</p> <p>Member Burriss asked if there had been any officer approved before.</p> <p>Chief Raybuck answered that he could not find an official record of an approval for outside work as a security guard. He added that he had heard anecdotally that some officers years back may have engaged in that activity.</p> <p>Administrator Ching informed the Board that if they had any legal questions they wanted to ask they could do so in executive session.</p> <p>Vice Chair Latkiewicz called for a motion.</p> <p>Deputy County Attorney Larrimore expressed to the board that they may want to discuss in executive session ramifications of any decision based on the collective bargaining agreement.</p> <p>Member Burriss asked Chief Raybuck if he expected to have any “blow out” regarding his decision to deny the request.</p> <p>Chief Raybuck answered that the collective bargaining agreement does allow for this, but it and the policy does say that it complies with the rules and laws. So should the commission determine that there is a conflict of interest that would prohibit him from approving the outside employment. He went on to say that they do have a grievance process that would go to the Police Commission. He also stated that he checked with his counterparts across the state and the Chiefs of Honolulu and Hawaii County Police Departments do not allow their employees outside employment as security guards.</p> <p>Secretary de la Pena asked if the board should meet with the Deputy County Attorney in executive session and if they can carry the motion into the executive session.</p> <p>Deputy County Attorney Larrimore suggested that the motion be withdrawn if the board</p>	<p>Member Burriss moved to deny the requests for security employment. Chair Gentry seconded.</p> <p>Member Burriss withdrew her motion. Chair Gentry withdrew her second.</p>

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	<p>wants to move into executive session.</p> <p>Board moved into executive session at 1:17pm.</p> <p>Board resumed in open session at 1:45pm.</p> <p>Vice Chair Latkiwicz called for a motion.</p> <p>Administrator Ching asked Chief Raybuck if he would allow the board extra time.</p> <p>Chief Raybuck affirmed and stated he was not expecting a decision today.</p>	<p>Member Burriss moved to go into executive session to consult with counsel on agenda item RAO 2022-02. Secretary de la Pena seconded. Motion passed 6:0</p> <p>Member Burriss moved to defer RAO 2022-02 pending board further looking into the circumstances. Secretary de la Pena seconded. Motion passed 6:0</p>
<p>H. Business</p>	<p><u>BOE 2022-18 Discussion and possible action on report of 2022 candidate disclosure filings.</u></p> <p>Vice Chair Latkiewicz asked if anyone wanted to testify on this item. Hearing none, he asked for an update from Anels Segreti, staff.</p> <p>Anela Segreti, staff, updated the Board on candidate disclosures. She reported that all candidates have filed except two candidates for County Council, Jakki Nelson and Jeffrey Lindner.</p> <p>Board discussed sending a second email to the two candidates and noted that the primary election is on Saturday and the candidates may not advance to the General election.</p> <p>Administrator Ching noted that the response was an improvement over the last election.</p>	<p>Member Burriss moved to have staff send a second email to the candidates still needing to file disclosures. Secretary de la Pena seconded. Motion passed 6:0</p>
<p>I. Disclosures</p>	<p><u>Volunteer:</u></p> <ol style="list-style-type: none"> 1. Jerry Ornellas, Planning Commission <p><u>Candidates:</u></p> <ol style="list-style-type: none"> 2. Mitchell McPeek, Mayoral Candidate 3. Denis Megeso-William, Mayoral Candidate 4. Addison Bulosan, County Council Candidate 5. Fern Anuenue Holland, County Council Candidate 6. KipuKai Kualii'i, County Council Candidate 	

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	<p>7. Rachel Secretario, County Council Candidate 8. Lila Metzger, County Council Candidate 9. Ross Kagawa, County Council Candidate 10. Felicia Cowden, County Council Candidate 11. Luke Evslin, County Council Candidate</p> <p><u>Employee:</u> 12. Michael Gibson, Fire Chief</p> <p>Vice Chair Latkiewicz asked if anyone wanted to testify on this item. Hearing none he moved forward with the twelve disclosures.</p> <p>Members discussed disclosures and determined that disclosure #1 did not have source of income and should be returned.</p> <p>Member Burriss recused herself from Disclosure #7.</p> <p>Vice Chair Latkiewicz entertained a motion to approve disclosures #2-#6, and #8-12.</p> <p>Vice Chair Latkiewicz entertained a motion to approve disclosure #7.</p> <p>Vice Chair Latkiewicz entertained a motion to return disclosure #1 for source of income.</p>	<p>Secretary de la Pena moved to approve disclosures #2-#6 and #8-#12. Member Toyofuku seconded. Motion passed 6:0</p> <p>Secretary de la Pena moved to approve disclosure #7. Member Toyofuku seconded. Motion passed 5:1(recused)</p> <p>Member Burriss moved to return disclosure #1 for source of income and have staff send letter. Chair Gentry seconded. Motion passed 6:0</p>
<p>J. Executive Session</p>	<p><u>ES-009 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 July 15, 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>	

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	<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>Secretary de la Pena moved to go into executive session at 1:59 pm. Member Toyofuku seconded. Motion passed 6:0</p>
K. Return to Open Session		<p>The Board resumed in Open Session at 2:13 p.m.</p>
	<p><u>Ratify on Board actions taken in Executive Session.</u></p>	<p>Secretary de la Pena moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded. Motion passed 6:0</p>
L. Announcements	<p>Next Meeting: Friday, September 16, 2022, at 1:00pm</p>	
M. Adjournment		<p>Member Toyofuku moved to adjourn the meeting. Secretary de la Pena seconded. Motion passed 6:0 Vice Chair Latkiewicz adjourned the meeting at 2:13 p.m.</p>

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Kelly Gentry, Chair

(X) Approved as circulated.
 () Approved with amendments. See minutes of _____