

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 11/18/2022.

Board/Commission:	BOARD OF ETHICS	Meeting Date	September 16, 2022
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 2:18 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, 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			
Absent			
SUBJECT	DISCUSSION	ACTION	
A. Call To Order B. Roll Call		Chair Gentry called the meeting to order at 1:00 p.m. Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: present Six members present, which constituted a quorum.	

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda	<p>Chair Gentry asked Ellen Ching, Administrator if there was anyone in the audience.</p> <p>Ms. Ching affirmed and asked if he wanted to testify on any item on the agenda. He declined and Ms. Ching noted one person in audience and that they did not want to testify on any of the agenda items.</p> <p>Chair Gentry entertained a motion to approve the agenda.</p>	<p>Secretary de la Pena moved to accept the agenda as submitted. Member Burriss seconded.</p> <p>Motion carried 6:0</p>
D. Approval of Minutes	<p>Minutes of the Open Session:</p> <p>1. August 12, 2022</p> <p>Chair Gentry entertained a motion to approve the minutes.</p>	<p>Vice Chair Latkiewicz moved to accept the minutes of 8/12/22 as submitted. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>
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 reported that the Chief is on vacation and not present at the meeting.</p> <p>Administrator Ching asked if there was anyone present that wanted to testify on the item. She noted no one came forward.</p> <p>Chair Gentry entertained a motion.</p> <p>Member Burriss requested consultation with Deputy County Attorney Larrimore in an Executive Session. Chair Gentry agreed.</p> <p>Board moved into executive session at 1:05pm.</p>	<p>Member Burriss moved to go into executive session. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Board resumed in open session at 1:20pm.</p> <p>Chair Gentry called for a motion.</p>	<p>Secretary de la Pena moved to defer RAO 2022-02, item G, to the end of the agenda. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p>
<p>H. Business</p>	<p><u>BOE 2022-19 Update on Candidate disclosure filings.</u></p> <p>Anela Segreti, staff, updated the Board on candidate disclosures. She reported that at the last meeting it was reported that there were two candidates for County Council, Jakki Nelson and Jeffrey Lindner, that did not file disclosures. She reported that she did send another email requesting the disclosures and did not receive them, and that the candidates did not move on to the General Election. All candidates in the General Election have filed disclosures.</p>	<p>Vice Chair Latkiewicz moved to receive the report. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Volunteer:</u></p> <ol style="list-style-type: none"> 1. Jerry Ornellas, Planning Commission 2. Mai Shintani, Public Access, Open Spaces and Natural Preservation Fund Commission 3. Shelley Konishi, Civil Service Commission <p><u>Candidates:</u></p> <ol style="list-style-type: none"> 4. Shirley Simbre-Medeiros, County Council Candidate <p>Chair Gentry asked if there was anyone with any issues on the 4 disclosures.</p> <p>Member Burriss commented that on #1 that she doesn't believe that the Social Security income may be incorrect. Members stated that they were not aware of the cap, and it is a possibility so they will accept it.</p> <p>Member Ramos-Benzel commented that on #4 she did not see any income associated with Contract work for Dept of Health. Member Burriss stated that she is an Ombudsmen and does not receive payment for that work.</p> <p>Chair Gentry entertained a motion to approve disclosures #1-#4.</p>	<p>Member Burriss move to accept #1-#4. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
<p>J. Executive Session</p>	<p><u>ES-010 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 August 12, 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-011 RAO 2022-02 Pursuant to Hawai'i Revised Statutes §92-4, Statutes §92-5 (a) (4), the purpose of this Executive Session is for the Board to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and/or liabilities as they may relate to RAO-2022-02.</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 Burriss moved to go into executive session at 1:27pm. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
<p>K. Return to Open Session</p>		<p>The Board resumed in Open Session at 1:47 p.m.</p>
	<p><u>Ratify on Board actions taken in Executive Session.</u></p>	<p>Secretary Ramos-Benzel moved to ratify the actions taken by the Board in Executive Session. Member de la Pena seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 6:0
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>Chair Gentry entertained a motion.</p> <p>Board discussed various motions to be made.</p>	<p>Secretary de la Pena moved that the Board finds that this type of outside employment does not trigger an automatic violation of the code of ethics. Member Ramos-Benzel seconded.</p> <p>Motion carried: 6:0</p>
H. Announcements	Next Meeting: Friday, October 21, 2022, at 1:00pm	
I. Adjournment		Hearing no objections Chair Gentry adjourned the meeting at 2:18 p.m.

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

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