

**Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 12/16/2022

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>November 18, 2022</b>
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 1:18 p.m.
Present	Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.		
Excused	Chair Kelly Gentry		
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>A. Call To Order</b> <b>B. Roll Call</b>		Vice Chair Latkiewicz 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: excused Five members present, which constituted a quorum.	

SUBJECT	DISCUSSION	ACTION
<b>C. Approval of Agenda</b>	<p>Vice Chair Latkiewicz asked Ellen Ching, Administrator if there was anyone in the audience.</p> <p>Ms. Ching affirmed that there were three people in the audience and asked if they wanted to testify on any item on the agenda. They declined and Ms. Ching noted three people in audience and that they did not want to testify on any of the agenda items.</p> <p>Vice Chair Latkiewicz entertained a motion to approve the agenda.</p>	<p>Secretary de la Pena moved to accept the agenda as submitted. Member Ramos-Benzel seconded.</p> <p>Motion carried 5:0</p>
<b>D. Approval of Minutes</b>	<p>Minutes of the Open Session:            1. September 16, 2022</p> <p>Vice Chair Latkiewicz entertained a motion to approve the minutes.</p>	<p>Member Toyofuku moved to accept the minutes of 9/16/22 as submitted. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p>
<b>E. Public Testimony</b>	None	
<b>F. Communication</b>	None	
<b>G. Request for Advisory Opinion</b>	<p><u>RAO 2022-03 Request for an Advisory Opinion from James (Kimo) Tejada received on November 7, 2022, relating to outside employment to do small maintenance repair work.</u></p> <p>Vice Chair Latkiewicz asked if Mr. Tejada was present.</p> <p>Mr. Tejada confirmed his presence and stated that he had nothing more to add to his request.</p> <p>Vice Chair Latkiewicz asked if any members had any questions. Hearing none he asked for a motion.</p> <p>Administrator Ching asked the Board to clarify the motion, as to whether it is specific to work at regency or in general.</p> <p>Deputy County Attorney Foster clarified that he or Deputy County Attorney will draft a letter to Mr. Tejada regarding position.</p>	<p>Member Burriss moved to find no conflict on Mr. Tejada’s request. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p> <p>Member Burriss amended the motion and moved to find no conflict on Mr. Tejada’s request if he proceeds in accordance as outlined in his letter. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<b>H. Business</b>	None	
<b>I. Disclosures</b>	None	
	Administrator Ching noted that there is no one in the audience and the Vice Chair did not have to ask for testimony.	
<b>J. Executive Session</b>	<p><u>ES-012 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 September 16, 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>Secretary de la Pena moved to enter into Executive Session at 1:11pm. Member Toyofuku seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<b>K. Return to Open Session</b>		The Board resumed in Open Session at 1:17 p.m.
	<u>Ratify on Board actions taken in Executive Session.</u>	Member Burriss moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded. Motion carried 5:0
<b>L. Announcements</b>	Next Meeting: Friday, December 16, 2022, at 1:00pm	
<b>M. Adjournment</b>		Hearing no objections Vice Chair Latkiewicz adjourned the meeting at 1:18 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 \_\_\_\_\_