

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 01/20/2023.

Board/Commission:	BOARD OF ETHICS	Meeting Date	December 16, 2022
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 1:37 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 Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching (arrived at 1:20 p.m.), 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 1:02 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>For the record Chair Gentry asked if anyone was in the audience to provide testimony.</p> <p>Anela Segreti, staff, confirmed no one was present in the audience.</p> <p>Chair Gentry entertained a motion to approve the agenda.</p>	<p>Member Toyofuku 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: 1. November 18, 2022</p> <p>Chair Gentry entertained a motion to approve the minutes.</p>	<p>Secretary de la Pena moved to accept the minutes of 11/18/22 as submitted. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
E. Public Testimony	None	
F. Communication	None	
G. Request for Advisory Opinion	None	
H. Business	<p><u>BOE 2022-21 Discussion and possible action regarding Advisory Opinion in response to RAO 2022-03.</u></p> <p>Board reviewed response (on file) and discussed handling responses. They discussed that it be handled as in the past, once the decision is made staff will have Chair sign and send out response.</p>	No action.
	<u>BOE 2022-22 Election of Chair, Vice Chair and Secretary for 2023 Calendar year.</u>	Member Ramos-Benzel moved to elect Vice Chair Latkiewicz as Chair for the 2023 calendar year. Secretary de la Pena seconded.

SUBJECT	DISCUSSION	ACTION
		<p>Motion carried 6:0</p> <p>Member Burriss moved to elect Secretary de la Pena as Vice Chair for the 2023 calendar year. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p> <p>Secretary de la Pena moved to elect Member Ramos-Benzel as Secretary for the 2023 calendar year. Member Burriss seconded.</p> <p>Motion carried 6:0</p>
	<p><u>BOE 2022-23 Discussion and possible approval of the 2023 meeting schedule.</u></p> <p>Discussion of meetings remaining as third Friday of each month at 1pm with exception of August, meeting will be on second Friday due to holiday on third Friday.</p>	<p>Member Toyofuku moved to approve the 2023 meeting schedule. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Bernard Carvalho, Jr., Councilmember 2. Bill DeCosta, Councilmember 3. Felicia Cowden, Councilmember 4. Lyndon Yoshioka, Deputy County Clerk 5. KipuKai Kualii'i, Councilmember 6. Addison Bulosan, Councilmember 7. Ellen Ching, Administrator, Boards & Commissions <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 8. Glenda Nogami Streufert, Planning Commissioner 9. Julie Caspillo, Board of Review Member 10. Lee Gately, Kauai Historic Preservation Review Commissioner 11. Paul Endo, Liquor Control Commissioner 12. Mary Kay Hertog, Police Commissioner 	<p>Member Burriss moved to approve Disclosures #1, 3-11. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to return Disclosures #2 and 12 for more clarification.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Member Burriss noted: #2 did not include income for employment with DOE, #6 there is no dates in Section VIII regarding representation before government agencies, #7 Section VIII not all dates where completed, may have run off of copy. Ms. Ching explained that all happened in 2017 which is noted, but there wasn't enough space for all agencies, #11 did not give source of the annuity, #12 did not give source of income.</p> <p>Board discussed these and made decisions on which need to be sent back.</p>	<p>Member Burriss moved to return Disclosures #2 and #12 for missing information.</p> <p>Motion carried 6:0</p>
<p>J. Executive Session</p>	<p><u>ES-013 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 18, 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 1:22pm. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
K. Return to Open Session		The Board resumed in Open Session at 1:35 p.m.
	<u>Ratify on Board actions taken in Executive Session.</u>	Secretary de la Pena moved to ratify the actions taken by the Board in Executive Session. Member Burriss seconded. Motion carried 6:0
L. Announcements	Next Meeting: Friday, January 20, 2023, at 1:00pm Administrator Ching announced that it was Chair Gentry's last meeting and thank her for her service to the Board.	
M. Adjournment		Hearing no objections Chair Gentry adjourned the meeting at 1:37 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist John Latkiewicz, Chair

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