

**Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 2/17/23

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>January 20, 2023</b>
Location	Boards & Commissions Conf. Room	Start of Meeting: 1:00 p.m.	End of Meeting: 1:45 p.m.
Present	Chair John Latkiewicz, Vice Chair Ryan de la Pena, Secretary Rose Ramos-Benzel, Members: Susan Burriss, 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	
<b>A. Call To Order</b> <b>B. Roll Call</b>		Chair Latkiewicz called the meeting to order at 1:00 p.m.  Roll call: Member Burriss: present Member Toyofuku: present Secretary Ramos-Benzel: present Vice Chair de la Pena: present Chair Latkiewicz: present Five members present, which constituted a quorum.	

SUBJECT	DISCUSSION	ACTION
<b>C. Approval of Agenda</b>	<p>For the record Chair Latkiewicz asked if anyone was in the audience to provide testimony.</p> <p>Ellen Ching, Administrator, confirmed no one was present in the audience and he did not have to ask for testimony after every agenda item.</p> <p>Chair Latkiewicz entertained a motion to approve the agenda.</p>	<p>Vice Chair de la Pena moved to accept the agenda as submitted. Member Toyofuku seconded.</p> <p>Motion carried 5:0</p>
<b>D. Approval of Minutes</b>	<p>Minutes of the Open Session:            1. December 16, 2022</p> <p>Chair Latkiewicz entertained a motion to approve the minutes.</p> <p>Member Burriss stated that they could be received if no one had anything to say.</p> <p>Deputy County Attorney (DCA) Larrimore stated that was accurate.</p>	<p>Hearing nothing Chair Latkiewicz received the minutes.</p>
<b>E. Public Testimony</b>	<p>A member of the public entered the meeting. Chair Latkiewicz asked if he had testimony on any of the items.</p> <p>He stated he had no testimony for any of the items.</p>	<p>No action.</p>
<b>F. Communication</b>	<p><u>BOE 2023-01 Memorandum from Michael Dahilig, Managing Director dated December 27, 2022, regarding meeting format (in-person, virtual or hybrid).</u></p> <p>Chair Latkiewicz entertained a motion to receive the communication.</p>	<p>Vice Chair de la Pena moved to receive BOE 2023-01. Member Burriss seconded.</p> <p>Motion carried 5:0</p>
<b>G. Request for Advisory Opinion</b>	<p>None</p>	

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<p><b>H. Business</b></p>	<p><u>BOE 2023-01 Discussion and possible action regarding meeting format for Board of Ethics meetings.</u></p> <p>The Board discussed meeting formats, in-person only, hybrid (in-person and virtual), or virtual only.</p>	<p>Member Burriss moved that the Board meet in person and move to a hybrid meeting when requested. Vice Chair de la Pena seconded.</p> <p>Motion carried 5:0</p>
<p><b>I. Disclosures</b></p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Mahealani Krafft, First Deputy County Attorney</li> <li>2. Melvin Rapozo, Councilmember</li> <li>3. Andrew Michaels, Deputy County Attorney</li> <li>4. Charles Foster, Deputy County Attorney</li> <li>5. Hugo Cabrera, Deputy County Attorney</li> <li>6. Jenna Tatsey, Deputy County Attorney</li> <li>7. Laura Barzilai, Deputy County Attorney</li> <li>8. Mark Bradbury, Deputy County Attorney</li> <li>9. Mark Ishmael, Deputy County Attorney</li> <li>10. Matthew Bracken, County Attorney</li> <li>11. Stephen Hall, Deputy County Attorney</li> <li>12. Teresa Tumbaga, Deputy County Attorney</li> <li>13. Luke Evslin, Councilmember</li> <li>14. Jade Fountain-Tanigawa, County Clerk</li> <li>15. Adam Roversi, Housing Director</li> <li>16. Annette Anderson, HR Director</li> <li>17. Blanche Reiko Matsuyama, Director of Finance</li> <li>18. Boyd Gayagas, Deputy County Engineer</li> <li>19. Ernest Barreira, Assistant Chief Procurement Officer</li> <li>20. Henry Ramsey Ross, Deputy Prosecuting Attorney</li> <li>21. Ludvina Takahashi, County Executive on Aging</li> <li>22. Matthew Arakawa, Deputy Prosecuting Attorney</li> <li>23. Michael Gibson, Fire Chief</li> <li>24. Michael Moule, Chief of Engineering</li> <li>25. Michelle Lizama, Deputy Director of Finance</li> <li>26. Sarah Blane, Chief of Staff</li> <li>27. Todd Raybuck, Police Chief</li> </ol>	<p>Member Toyofuku moved to defer Disclosures #29, 32, 34, 40, 42-47, 49-50, 53-59, and 61 for regulatory employees. Vice Chair de la Pena seconded.</p> <p>Motion carried 5:0</p> <p>Member Toyofuku moved to approve Disclosures #1-15. Member Ramos seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>28. Celia Wooton-Mahikoa, Executive on Transportation  29. Chad Yamamoto, Supervising Construction Inspector  30. Elton Ushio, Emergency Management Administrator  31. Joseph Tait, Manager &amp; Chief Engineer  32. Taj Leone, Building Inspector  33. Aaron Larrimore, Deputy County Attorney  34. Brayden Munar, Building Inspector  35. Derek Kawakami, Mayor  36. Leo Sandoval-Reyes, Liquor Director  37. Leon Davenport III, Deputy Prosecuting Attorney  38. Leonard Peters, Assistant Executive on Transportation  39. Michael Dahilig, Managing Director  40. Michael Hinazumi, Civil Engineer VII  41. Nalani Brun, Director of the Office of Economic Development  42. Ronson Valdez, Building Inspector  43. Scott Suga, Project Management Officer  44. Edwin Navarro, Electrical Inspector  45. Jimmy Iloreta, Electrical Inspector  46. Sixto Agoto, Jr., Senior Building Inspector  47. Stanford Lau, Plumbing Inspector  48. Wallace Rezendes, Deputy Director Parks &amp; Recreation  49. Weston Moniz, Waterworks Inspector III  50. Alisha Summers, Long Range Planner III  51. Bill DeCosta, Councilmember  52. Donna Olivas, Assistant Executive on Aging  53. James Tejada, Planning Inspector  54. Jaret Towler, Planning Inspector  55. Jason Kagimoto, Acting Engineering Division Head  56. Jet Levinthol, Supervising Waterworks Inspector  57. Juanito Rabaino, Building Inspector  58. Scott Shibuya, Construction Inspector  59. Takara Kunioka, Civil Engineer III  60. Troy Tanigawa, County Engineer  61. Leolynne Escalona, Code Enforcement Officer  62. Christopher Donahoe, Deputy County Attorney</p>	<p>Member Burris moved to approve  Disclosures #16-28, 30, and 31.  Member Toyofuku seconded</p> <p>Motion carried 5:0</p>

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	<p>63. Kaaina Hull, Planning Director</p> <p><u>Volunteers:</u></p> <p>64. Francis DeGracia, Planning Commissioner</p> <p>65. Mary Kay Hertog, Police Commissioner</p> <p>Chair Latkiewicz read the following announcement: “We have 65 disclosures. Numbers 29, 32, 34, 40, 42-47, 49-50, 53-59, and 61 are regulatory employees. Regulatory employee disclosures are not open for public inspection per the Charter and the Kaua‘i County Code. Our Deputy County Attorney has advised that we defer these disclosures until next month so that a review process that protects their privacy can be set up that complies with the Charter and the Code. I’ll entertain a motion to defer these disclosures until next month and Aaron can answer any questions about the deferral during discussion on this motion.”</p> <p>Discussion regarding having it reviewed in Executive Session was started by Member Burriss. DCA Larrimore advised that since it was not noticed on the agenda as an executive session item that it not be discussed today in executive session.</p> <p>DCA Larrimore explained to the Board that under the State Constitution, the Charter and the Kauai County Code regulatory employee disclosures are treated differently. They are not open to public inspection and if there was a discussion and make decisions in an open meeting it would potentially violate their privacy. He will do more research on the correct process and will share it with the Boards and Commissions staff for the next meeting.</p> <p>Member Toyofuku questions Disclosure #11, regarding his employment as a Deputy County Attorney and having a private law firm and whether that is allowable.</p> <p>DCA Larrimore explained that the law practice is in Illinois and that he is in the process of closing it, at least temporarily. The Board did previously approve when it came up when he accepted the job, but they could pursue and ask him to come in to answer questions.</p> <p>Member Toyofuku stated that his question was answered by DCA Larrimore and good.</p>	<p></p> <p>Member Burriss moved to approve Disclosures #33, 35-39, 41, 48, 51-52, 60, and #62-65. Member Toyofuku seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<p><b>J. Executive Session</b></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 December 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 Ramos-Benzel moved to enter into Executive Session at 1:17pm. Vice Chair de la Pena seconded.</p> <p>Motion carried 5:0</p>
<p><b>K. Return to Open Session</b></p>		<p>The Board resumed in Open Session at 1:44 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 Toyofuku seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<b>L. Announcements</b>	Next Meeting: Friday, February 17, 2023, at 1:00pm	
<b>M. Adjournment</b>		Hearing no objections Chair Latkiewicz adjourned the meeting at 1:45 p.m.

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

Approved as circulated.

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