



## **BOARD OF ETHICS**

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**SUSAN BURRISS**, CHAIR  
**MIA SHIRAIISHI**, VICE CHAIR  
**JOHN LATKIEWICZ**, SECRETARY

**KELLY GENTRY**, MEMBER  
**DEAN TOYOFUKU**, MEMBER  
**MARY TUDELA**, MEMBER

### REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, March 19, 2021  
1:00 p.m. or shortly thereafter

**Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 957 941 958#**

**This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.**

OATH OF OFFICE FOR NEW BOARD OF ETHICS MEMBER RYAN de la PENA 1<sup>ST</sup> TERM ENDING ON DECEMBER 31, 2023.

#### CALL TO ORDER

#### ROLL CALL

#### APPROVAL OF MINUTES

Open Session Minutes of February 19, 2021

#### PUBLIC TESTIMONY

#### COMMUNICATION

BOE 2021-09      2020 Kauai Lobbyist Contributions & Expenditures Statement dated March 11, 2021 and 2021 Kauai Lobbyist Registration dated March 12, 2021 received from David Arakawa.

#### REQUEST FOR AN ADVISORY OPINION

None

#### BUSINESS

BOE 2021-10      Discussion and possible action regarding establishing and defining the scope of a Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) would be to recommend an ordinance defining regulatory employees required to submit a disclosure statement.

**DISCLOSURES**

Volunteers:

1. Susan Remoaldo, Kauai Historic Preservation Review Commission
2. Ryan de la Pena, Board of Ethics

**EXECUTIVE SESSION**

ES-005

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 February 19, 2021, 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.

ES-004: BOE 2021-08

Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss 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.

No officer or employee of the county shall:

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.

E. Use the officer or employee's official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.

**RETURN TO OPEN SESSION**

Ratify on Board actions taken in Executive Session.

**ANNOUNCEMENTS**

Next Meeting: Friday, April 16, 2021 at 1:00 p.m.

**ADJOURNMENT**

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Charles Foster, Deputy County Attorney

**PUBLIC COMMENTS and TESTIMONY**

**SPEAKER REGISTRATION**

**Prior to the Day of the Meeting:** Persons wishing to testify are requested to register their name, phone number, and agenda item via email at [asegreti@kauai.gov](mailto:asegreti@kauai.gov); or by calling 808-241-4917.

**On the Day of the Meeting:** Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

**WRITTEN TESTIMONY**

**Prior to the Day of the Meeting:** Testimony may be emailed: [asegreti@kauai.gov](mailto:asegreti@kauai.gov) faxed: 808-241-5127, or mailed: County of Kauai, Office of Boards and Commissions, Board of Ethics, 4444 Rice St., Ste. 300, Lihue, HI 96766.

**SPECIAL ASSISTANCE**

IF YOU NEED AN AUXILIARY AID/SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

**Draft to be Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>February 19, 2021</b>
Location	Teleconference	Start of Meeting: 1:01 p.m.	End of Meeting: 3:04 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Kelly Gentry, Dean Toyofuku, Mary Tudela. Also: Deputy County Attorney Charles Foster, Deputy County Attorney Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Chair Burriss called the meeting to order at 1:01 p.m.  Roll call: Member Gentry: present Member Toyofuku: present Member Tudela: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.	
<b>Approval of Minutes</b>	<u>Open Session Minutes of January 8, 2021</u> <u>Open Session Minutes of January 15, 2021</u>	Vice Chair Shiraishi moved to approve the minutes of January 8, 2021 and January 15, 2021 as submitted. Member Tudela seconded.  Voice Vote: 6 ayes, 0 nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
<b>Public Testimony</b>	<u>None</u>	
<b>Communication</b>	<u>BOE 2021-01 Possible conflict of interest and recusal dated January 19, 2021, from Councilmember Mason Chock regarding ES-1040 relating to the utilization of the Public Access, Open Space, Natural Resources Preservation Fund for the acquisition of real property for land conservation purposes.</u>	Member Toyofuku moved to receive BOE 2021-01. Secretary Latkiewicz seconded.  Voice Vote: 6 ayes, 0 nays Motion carried 6:0
	<u>BOE 2021-02 Possible conflict of interest and recusal dated January 19, 2021, from Councilmember Luke Evslin regarding ES-1040 relating to the utilization of the Public Access, Open Space, Natural Resources Preservation Fund for the acquisition of real property for land conservation purposes.</u>	Vice Chair Shiraishi moved to receive BOE 2021-02. Member Tudela seconded.  Voice Vote: 6 ayes, 0 nays Motion carried 6:0
	<u>BOE 2021-03 Letter from County Clerk Jade Fountain-Tanigawa dated February 1, 2021 regarding the 2020 County of Kaua'i Lobbyist Registration.</u>  Ms. Ching stated that last year a communication was sent to the individual from the Board to the Lobbyist.  The Board discussed how it was handled last year and confirmed that it was the responsibility of the Board to send the letter to the delinquent lobbyist.  Chair Burriss entertained a motion to send a letter.	Secretary Latkiewicz moved to receive BOE 2021-03. Vice Chair Shiraishi seconded.  Voice Vote: 6 ayes, 0 nays Motion carried 6:0  Secretary Tudela moved to send a letter to follow-up with Mr. Arakawa. Vice Chair Shiraishi seconded.  Voice Vote: 6 ayes, 0 nays Motion carried 6:0

SUBJECT	DISCUSSION	ACTION
<b>Request for Advisory Opinion</b>	<u>None</u>	
<b>Business</b>	<p><u>BOE 2020-34 Discussion and possible action regarding the adoption of the Charter Amendment on Disclosure Statements and next steps (Deferred 11/20/2020, 12/11/2020, 1/15/2021).</u></p> <p>Deputy Foster introduced Deputy Larrimore to the Board and notified them that he will be taking over as the Deputy County Attorney for the Board of Ethics.</p> <p>Mr. Larrimore expressed that he is excited to start working with the Board and have a smooth hand off.</p> <p>Mr. Foster recapped that the Board was looking at the Hawaii County Code to define who must file a disclosure.</p> <p>Ms. Segreti added that the Board needed to define the Regulatory Employees and an Ordinance developed.</p> <p>Ms. Ching stated that the Board could do this as a committee or at the next meeting form a Permitted Interaction Group (PIG) that will give recommendations to the Board. Explained process of getting the Ordinance approved.</p> <p>Member Tudela stated that she believed first step is to review of the titles of Hawaii County and compare to Kauai County, by looking at the titles.</p> <p>Mr. Foster looked to see if there was a definition in the Kauai County Code, and no reference to Regulatory Employee in the Code.</p> <p>Vice Chair Shiraishi stated that when they presented to the Charter Review Commission that the Hawaii County definition was what was presented, and that most of the positions were applicable to our County. She is in favor of going with the Hawaii County Definition and just removing or adding Kauai titles.</p> <p>Ms. Ching stated that Kauai does not have Environmental Management or Services and so would remove that, it does not have Planners in the Planning Department. She is</p>	

SUBJECT	DISCUSSION	ACTION
	<p>looking at direction from Board as whether to stick or add to the list.</p> <p>Secretary Tudela clarified that she asked for comparison, as a preliminary audit. So that the Board can decide what to delete and add from the Board.</p> <p>Ms. Ching suggested that a Permitted Interaction Group (PIG) be formed to come up with recommendations for the Board. She also stated that she will get a list together of positions for the next meeting.</p> <p>Chair Burriss entertained a motion to put the formation of a PIG on the agenda next month.</p>	<p>Member Tudela moved to put the formation of a Permitted Interaction Group (PIG) on the March agenda. Secretary Latkiewicz seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>
	<p><u>BOE 2021-04 Review and discussion of Advisory Opinion in response to RAO 2021-01.</u></p> <p>Member Tudela pointed out that Mr. Contrades' name was misspelled in Background paragraph, lines one and four.</p> <p>Also "Kaua'I" should be "Kaua'i".</p> <p>Staff to make corrections and forward to Mr. Contrades.</p>	<p>No action.</p>
	<p><u>BOE 2021-05 Review and discussion of Advisory Opinion in response to RAO 2021-02.</u></p> <p>Member Tudela pointed out that Mr. Hull's name was misspelled in Background paragraph, line four and paragraph four, line six should be "the committee", not "he committee".</p> <p>Staff to make corrections and forward to Mr. Hull.</p> <p style="text-align: center;"><i>Member Gentry left the meeting at 1:38 p.m.</i></p>	<p>No action.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Disclosures</b></p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Tyler Saito, Deputy Prosecuting Attorney</li> </ol> <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>2. Fely Faulkner, Civil Service Commissioner</li> <li>3. Leland Kahawai, Liquor Control Commissioner</li> <li>4. Kenneth Rainforth, Salary Commissioner</li> <li>5. Beth Tokioka, Civil Service Commissioner</li> <li>6. Dean Pigao, Police Commissioner</li> </ol> <p>Members discussed disclosure #6 property in Las Vegas was not reported as income. As it may not be income for the individual and further since the property is out of state and the Board is looking for conflict they will not pursue.</p>	<p>Member Tudela moved to accept all disclosures, one employee and five volunteers. Member Toyofuku seconded.</p> <p>Voice Vote:        5 ayes, 0 nays        Motion carried 5:0</p>
<p><b>Executive Session</b></p>	<p><u>ES-001 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 January 8, 2021 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 2021-06 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss the resolution of Complaint No. 20-001 and other related matters.</u></p> <p><u>ES-003: BOE 2021-07 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received February 2, 2021, charging that an employee or officer of the County has a conflict of interest related to the Anahola Hawaiian Homes Association.</u></p>	



SUBJECT	DISCUSSION	ACTION
	<p><u>ES-004: BOE 2021-08 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received February 8, 2021, charging that an employee or officer of the County has breached</u></p> <p style="text-align: center;"><i>The Board moved into Executive Session at 1:49 pm</i></p>	<p>Member Tudela moved to go into executive session at 1:49 pm. Secretary Latkiewicz seconded.</p> <p>Voice vote:            5 ayes, 0 nays            Motion carried 5:0</p>
<p><b>Return to Open Session</b></p>		<p>The Board resumed in Open Session at 3:02 p.m.</p> <p>Roll call:            Member Gentry: excused            Member Toyofuku: present            Member Tudela: present            Secretary Latkiewicz: present            Vice Chair Shiraishi: present            Chair Burriss: present            Five members present, which constituted a quorum.</p>
	<p>Ratify on Board actions taken in Executive Session.</p>	<p>Secretary Latkiewicz moved to ratify actions taken in Executive Session. Vice Chair Shiraishi seconded.</p> <p>Voice vote:            5 ayes, 0 nays            Motion carried 5:0</p>
<p><b>Announcements</b></p>	<p>Next Meeting: Friday, March 19, 2021 at 1:00pm</p>	

SUBJECT	DISCUSSION	ACTION
<b>Adjournment</b>		Vice Chair Shiraishi moved to adjourn the meeting Member Toyofuku seconded.  Voice vote: 5 ayes, 0 nays Motion carried 5:0  Meeting adjourned at 3:04 p.m.

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
Anela Segreti, Administrative Specialist Susan Burriss, Chair

- ( ) Approved as circulated.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_