



BOARD OF ETHICS

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

RYAN de la PENA, MEMBER
KELLY GENTRY, MEMBER
DEAN TOYOFUKU, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, December 17, 2021
1:00 p.m. or shortly thereafter

Microsoft Teams Conferencing Information

Click on the link below or enter the url in your network browser to join on your computer or mobile app by VIDEO:

<https://bit.ly/3pGNvv1>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 308714414#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by using the link above or 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 or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Open Session Minutes of November 19, 2021

PUBLIC TESTIMONY

COMMUNICATION

REQUEST FOR AN ADVISORY OPINION

BUSINESS

BOE 2021-32 Discussion and possible action on implementation of the new ordinance regarding disclosure statements.

BOE 2021-33 Discussion and possible action on changes to the disclosure statement form.

- BOE 2021-34 Discussion and possible action on revisions to Board Rules and Regulations.
- BOE 2021-35 Discussion and possible action on a disclosure/fine schedule.
- BOE 2021-36 Discussion and possible approval of the 2022 meeting calendar.
- BOE 2021-37 Election of Chair, Vice Chair and Secretary for Calendar Year 2022.

DISCLOSURES

Employee:

1. Felicia Cowden, Councilmember
2. Lori Koga, Charter Review Commission
3. Leo Sandoval, Director, Liquor Control Department
4. Alfredo Garces, Fire Commission
5. Beverly Gotelli, Civil Service Commission
6. Francis Kaawa, Civil Service Commission
7. V. Pamai Cano, Civil Service Commission
8. Donna Apisa, Planning Commission
9. Shaylene Iseri, Candidate, Prosecuting Attorney
10. Katherine Otsuji, Board of Review

EXECUTIVE SESSION

ES-020 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 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, January 21, 2022 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: Aaron Larrimore, 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; 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, 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 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:	BOARD OF ETHICS	Meeting Date	November 19, 2021
Location	Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 1:41 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Kelly Gentry, 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	
Call To Order		Chair Burriss called the meeting to order at 1:02 p.m. Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.	
Approval of Minutes	<u>Open Session Minutes of October 15, 2021</u> Chair Burriss entertained a motion to accept the minutes as presented.	Member de la Pena moved to accept the minutes as presented. Secretary Latkiewicz seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
Public Testimony	<u>None</u>	
Communication	<u>None</u>	
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>BOE 2021-31 Review and possible discussion on response to email received October 5, 2021 from Lonnie Sykos and his acknowledgement.</u></p> <p>Members did not have any comments regarding item.</p>	No Action
	<p><u>BOE 2021-30 Discussion and possible action on letter from Charter Review Commission regarding request for proposals to amend the Charter.</u></p> <p>Chair Burriss stated that the Board has no proposal to present to the Charter.</p>	No Action
	<p><u>BOE 2021-32 Discussion and possible action on implementation of the new ordinance regarding disclosure statements.</u></p> <p>Chair Burriss asked for comments on this item.</p> <p>Administrator Ching stated that staff will work on a notice to send out with the new ordinance to the impacted employees and requesting them to submit their disclosures.</p> <p>Chair Burriss clarified that it is an administrative function and does not need action by the Board.</p> <p>Administrator Ching confirmed and stated that there can be an item added to next agenda with update on number of employees impacted.</p>	No Action

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney Larrimore stated that there may be a need to make edits to forms and the Board’s rules referencing Disclosures. Regulatory employees is not mentioned in the verbiage and there may be a need to go through and make the changes. He asked Chair if it would be okay to come to next meeting with any changes that need to be made to Rules and forms.</p> <p>Chair Burriss asked if the changes would be conforming changes.</p> <p>Deputy County Attorney Larrimore clarified that if there is a need to make any rule change that would be more involved and significant, if that is needed he may have some other suggestions and can bring that to the Board next month. Specific to implementation he stated that he doesn’t anticipate anything significant.</p> <p>Next month a new agenda item will be added if needed.</p>	
<p>Disclosures</p>	<p><u>Employee:</u></p> <ol style="list-style-type: none"> 1. Rebecca Like, Candidate, Prosecuting Attorney 2. Joseph Tait, Manager & Chief Engineer, Department of Water 3. Stephen Hall, Deputy County Attorney 4. Jen Chahanovich, Fire Commission 5. Stephen Long, Kaua’i Historic Preservation Review Commission <p>Chair Burriss asked if there were any comments or questions on #1.</p> <p>No responses.</p> <p>Chair Burriss noted that on #2, Joseph Tait, that Section VIII, Representation Before Government Agencies, he did not name the group, named self. Chair asked if anyone had any comments.</p> <p>No responses.</p> <p>Vice Chair Shiraishi questioned #3’s employment, as it appears he has a thriving law business and also derives an income from the County as Deputy County Attorney.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Burriss assumed that the County is aware of the outside employment.</p> <p>Vice Chair Shiraishi stated that it seems that this would be directly in line with his job with the County.</p> <p>Staff reminded Board that he previously filed a disclosure and that she remembered that the practice was on the mainland and that there would not be any conflict with work done for the County, because his practice is on the mainland.</p> <p>Deputy County Attorney Larrimore, as a colleague aware of his situation, confirmed that he presently lives and has a practice in Chicago. When he was hired in May, part-time, he was beginning to wind down that practice and move to the island in the next couple of months. His practice now is devoted to continuing cases he had. He assured the Board of the process for outside work with the Office of the County Attorney.</p> <p>Vice Chair Shiraishi stated that cleared it up for her and had no concerns with the disclosure.</p> <p>No comments on disclosure #4.</p> <p>Vice Chair Shiraishi stated that she felt disclosure #5, Stephen Long, was incomplete. She stated that source of income may have been cut off, but that they could assume based on only one source of employment on the previous question.</p> <p>Chair Burriss stated that she assumed it was his income from his architectural practice. She questioned whether his participation on the commission was voluntary.</p> <p>Administrator Ching confirmed that his participation on the commission is voluntary.</p> <p>Vice Chair Shiraishi stated that if everyone on the Board was comfortable that the income stated was from his architectural firm, it was fine with her.</p> <p>Chair Burriss entertained a motion to approve all five disclosures together.</p>	<p>Member de la Pena moved to approve Disclosures 1-5. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
<p>Executive Session</p>	<p><u>ES-019 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 October 15, 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-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.</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>Vice Chair Shiraishi moved to go into Executive Session at 1:24 p.m. Member de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays. Motion carried 6:0</p>
<p>Return to Open Session</p>		<p>The Board resumed in Open Session at 1:40 p.m.</p> <p>Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present</p>

SUBJECT	DISCUSSION	ACTION
		Six members present, which constituted a quorum.
	<u>Ratify on Board actions taken in Executive Session.</u>	Member de la Pena moved to ratify the actions taken by the Board in Executive Session. Vice Chair Shiraishi seconded. Voice Vote: 6 ayes, 0 nays. Motion carried 6:0
Announcements	Next Meeting: Friday, December 17, 2021 at 1:00pm Chair Burriss wished everyone a Happy Thanksgiving.	
Adjournment		Hearing no objections Chair Burriss adjourned the meeting at 1:41 p.m.

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

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

Board of Ethics 2022 Meeting Calendar

January						
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HOLIDAYS:

- | | | | |
|--------|--------------------------------------|--------|--------------------------|
| Dec 31 | New Year's Day (Observed) | Jul 4 | Independence Day |
| Jan 17 | Dr. Martin Luther King, Jr. Day | Aug 19 | Statehood Day |
| Feb 21 | Presidents' Day | Sep 5 | Labor Day |
| Ma 25 | Prince Jonah Kūhiō Kalanianaʻole Day | Nov 8 | Election Day |
| Apr 15 | Good Friday | Nov 11 | Veterans' Day |
| Ma 30 | Memorial Day | Nov 24 | Thanksgiving Day |
| Jun 10 | King Kamehameha I Day | Dec 26 | Christmas Day (Observed) |