



BOARD OF ETHICS

KELLY GENTRY, CHAIR
JOHN LATKIEWICZ, VICE CHAIR
RYAN de la PENA, SECRETARY

SUSAN BURRISS, MEMBER
MIA SHIRAISHI, MEMBER
DEAN TOYOFUKU, MEMBER

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

Meetings of the Board of Ethics will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Board of Ethics Members, Department and/or Boards and Commission Staff, parties to agenda items, and resource individuals may appear via the Microsoft Teams remote technology.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Board of Ethics will continue all matters and reconvene at the next scheduled Board of Ethics Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Board of Ethics 's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony:** The Board of Ethics will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, you position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to asegreti@kauai.gov or mailed to the Board of Ethics , c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766. Written testimony received by the Board of Ethics at least 24 hours prior to the meeting will be distributed to all Board of Ethics Members prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter. Any late testimony received will be distributed to the to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting via Microsoft Teams remote technology platform.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing asegreti@kauai.gov or calling (808) 241-4917. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - It shall be the responsibility of the testifier to join the meeting through the Microsoft Teams link provided on the posted agenda to provide their testimony. In addition, it shall be the responsibility of the testifier to ensure that the Microsoft Teams software is downloaded and operational prior to the meeting.
 - The testifier's audio and video shall be disabled until it is your turn to testify.
 - Per the Board of Ethics 's and Chairs practice, there is three-minute time limit per testifier.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE OFFICE OF BOARDS AND 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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, March 18, 2022
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/3vTOj4C>

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: 632168182#

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.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. MINUTES of the meeting of the Open Session**
 - 1. February 18, 2022
- E. PUBLIC TESTIMONY**
- F. COMMUNICATION**

None
- G. REQUEST FOR AN ADVISORY OPINION**

None
- H. BUSINESS**

None

I. DISCLOSURES

Employees:

1. Ernest Barreira, Assistant Chief Procurement Officer
2. Romio Idica, Planner IV
3. Alan Clinton, Administrative Planning Officer
4. Nalani Brun, Director, Office of Economic Development
5. Marie Williams, Planning Program Manager
6. Shelea Blackstad, Planner I
7. Rebecca Like, Acting Prosecuting Attorney
8. Daniel Urwiler, Program Administrative Officer II
9. Kristi Mahi, Procurement and Specifications Specialist IV
10. Celia Wooton-Mahikoa, Executive on Transportation
11. Patrick Henriques, Planning Inspector II
12. Leonard Peters, Assistant Executive on Transportation
13. Stanley Olsen, Deputy Chief of Police
14. Scott Shibuya, Construction Inspector III
15. Leolynne Escalona, Code Enforcement Officer
16. Joan Ludington, Planning Inspector III
17. Leslie Milnes, Planning Inspector
18. Joseph Perreira Jr, Construction Inspector III
19. Chad Yamamoto, Supervising Construction Inspector
20. Jeremy Lee, Vehicle Registration and Licensing Manager
21. Aaron Larrimore, Deputy County Attorney
22. Marissa Valenciano, Planner IV
23. Brayden Munar, Building Inspector
24. Michael Moule, Civil Engineer VII
25. Taj Leone, Building Inspector
26. Ryan Koga, Electrical Inspector
27. Vaughn Fernandez, Plumbing Inspector
28. Michael Laureta, Planning Program Manager
29. Leo Sandoval-Reyes, Director of Liquor Control
30. Leonard Rapozo, Program Administrative Officer I
31. Francis Layaoen, Supervising Electrical Inspector
32. Kaaina Hull, Planning Director
33. Leonora Kaiaokamalie, Planner VI
34. Ludvina Takahashi, County Executive on Aging
35. Sixto Agoto Jr., Senior Building Inspector
36. Juanito Rabaino, Building Inspector
37. Kenneth Estes, Planner V
38. Thomas Matsuyoshi, Supervising Plumbing Inspector
39. Dustin Moises, Civil Engineer VI
40. Michelle Lizama, Deputy Director
41. Andres Emayo, Planning Inspector III
42. Donald Fujimoto, Civil Engineer VI

- 43. Hope Stem, Procurement and Specifications Specialist IV
- 44. Ronson Valdez, Building Inspector
- 45. Stanford Lau, Plumbing Inspector
- 46. Myles Hironaka, Planner VII

Volunteers:

- 47. Bronson Bautista, Charter Review Commissioner
- 48. Jeffrey Iida, Civil Service Commissioner

J. EXECUTIVE SESSION

ES-004

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 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.

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.

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.

K. RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

L. ANNOUNCEMENTS

Next Meeting: Friday, April 8, 2022, at 1:00 p.m.

Public Hearing: Friday, May 20, 2022, at 1:30 p.m.

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

Draft to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	February 18, 2022
Location	Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 1:50 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Mia Shiraishi, 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	
A. Call To Order B. Roll Call		Chair Gentry called the meeting to order at 1:00 p.m. Roll call: Member Burriss: present & alone Member Shiraishi: present & alone Member Toyofuku: present & alone Secretary de la Pena: present & alone Vice Chair Latkiewicz: present & alone Chair Gentry: present & alone Six members present, which constituted a quorum.	
C. Approval of Agenda	Chair Gentry entertained a motion to approve the agenda.	Member Shiraishi moved to accept the agenda as submitted. Member Burriss seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
D. Approval of Minutes	<p><u>Open Session Minutes of January 21, 2022</u></p> <p>Chair Gentry entertained a motion to accept the minutes as presented.</p>	<p>Secretary de la Pena moved to accept the minutes as presented. Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
E. Public Testimony	<p><u>None</u></p>	
F. Communication	<p><u>BOE 2022-02 Letter from County Clerk Jade Fountain-Tanigawa dated February 1, 2022, regarding the 2021 County of Kaua'i Lobbyist Registration.</u></p> <p>Chair Gentry entertained a motion to receive.</p>	<p>Secretary de la Pena moved to receive BOE 2022-02. Member Burriss seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
G. Request for Advisory Opinion	<p><u>None</u></p>	
H. Business	<p><u>BOE 2022-03 Update and discussion on implementation of disclosures for regulatory employees.</u></p> <p>Staff, Anela Segreti, reported that email was sent out to regulatory employees and division heads. Approximately 30 have been received and no complaints, but some needed additional instructions to complete form.</p> <p>Administrator Ching noted that Ms. Segreti is reviewing disclosures as they are submitted and asked for clarification where needed.</p>	<p>No action.</p>
	<p><u>BOE 2022-04 Discussion and possible action regarding the initiation of rulemaking to change Rule 3 of "Disclosure Requirements" the Kaua'i County Board of Ethics Rules and Regulations to bring it into alignment with the Kaua'i County Charter and Kaua'i County Code.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney brought to the Board’s attention that the Rules filing of disclosure statements requirements and treatment of the documents are not in alignment with the current Charter and County Code. In 2020 there was a Charter Amendment to expand classes of who must file and what information can or cannot be released making the current rules not complete. He suggested that a change of language to Rule 3 be made to mimic the Charter and Ordinance and went over them as presented in agenda packet (on file).</p> <p>Administrator Ching clarified that a motion was approved last meeting to amend the rules. She suggested entertaining a motion to adopt the amendments and if passed another motion to schedule for publication and public hearing.</p> <p>Member Burriss clarified that they are adopting amendments for Rules 3.1 as well as 3.2. Vice Chair Latkiewicz stated that is his intention.</p> <p>Administrator Ching suggested entertaining a motion to schedule for publication and public hearing, which is part of the process of rulemaking.</p> <p>Deputy County Attorney Larrimore clarified with Administrator Ching that the hearing will be part of a regular meeting.</p>	<p>Vice Chair Latkiewicz moved to adopt the amendments to Rule 3, disclosure statements 3.1 and 3.2. Secretary de la Pena seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye</p> <p>Motion carried: 6:0</p> <p>Member Burriss move to schedule publication and hearing of proposed amendments to Rule 3. Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried: 6:0</p>
	<p><u>BOE 2022-05 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 do a thorough review of the rules and provide amendments.</u></p> <p>Deputy County Attorney Larrimore stated that it is his opinion that the Board do a thorough review of the rules. The Rules and Regulations are somewhat old, it was last</p>	

SUBJECT	DISCUSSION	ACTION
	<p>amended in 2013, with most of it written before that. He recommends that they form a Permitted Interaction Group or otherwise to begin the process of reviewing the Rules. It's his opinion that the Permitted Interaction Group is the best way to do this administratively. He feels it will be prudent to go through all the rules and see what other jurisdictions rules look like to come up with recommendations and go about the rule making process.</p> <p>Administrator Ching reminded the Board that they did adopt a motion to form a PIG, but it would need to be put on the agenda to form this legally and that is why it is on the agenda today. She outlined that the formation of a PIG: 1. Adopt motion to adopt PIG, 2. Define the scope of the PIG, 3. Designate who is going to be on the PIG.</p> <p>Administrator Ching clarified that the motion made by Member Burriss to form a pig to do a thorough review of the rules, could be taken and then do a clarifying motion on the scope. Member Burriss amended her motion to remove the thorough review.</p> <p>Administrator Ching clarified that the second motion would be to define the scope of the PIG to do a thorough review of the Board of Ethics Rules and provide any recommendations of amendments.</p>	<p>Member Burriss moved to form a Permitted Interaction Group (PIG) to do a thorough review of the Rules and provide suggested amendments. Member Shiraishi seconded.</p> <p>Member Burriss amended her motion to form a Permitted Interaction Group (PIG). Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried 6:0</p> <p>Member Burriss moved to define the scope of the PIG to do a thorough review of the Board of Ethics Rules and provide any recommendations of amendments. Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gentry asked for volunteers for the PIG.</p> <p>Vice Chair Latkiewicz volunteered.</p> <p>Member Burriss declined to any PIG due to her schedule.</p> <p>Administrator Ching reminded the Board that a PIG must be three members and that Member Shiraishi will be ending her term at the end of March.</p> <p>After discussion Secretary de la Pena volunteered.</p>	<p>Member Burriss moved to designate Vice Chair Latkiewicz and Secretary de la Pena to the PIG. Member Toyofuku seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2022-06 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 review a proposed fine schedule and present a proposed fine schedule.</u></p> <p>Administrator Ching again went over the process and need for 3 motions.</p> <p>Chair Gentry entertained a motion to form a PIG.</p> <p>Chair Gentry entertained a motion to define the scope of the PIG.</p> <p>Administrator Ching suggested that the motion be to do a thorough review of the proposed fine schedule and provide any recommendations on proposed fine schedule.</p> <p>Chair Gentry entertained a motion to designate members of the PIG.</p> <p>Member Toyofuku and Member Burriss volunteered.</p>	<p>Member Tofuku moved to form a Permitted Interaction Group (PIG). Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to define the scope of the PIG to do a thorough review of the proposed fine schedule and provide any recommendations on proposed fine schedule. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
		<p>Member Shiraishi moved to designate Member Toyofuku and Member Burriss to the PIG. Member Toyofuku seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Employees:</u> 1. Arryl Kaneshiro, Councilmember</p> <p><u>Volunteers:</u> 2. Rodney Yama, Fire Commissioner 3. Andrew Bestwick, Police Commissioner</p> <p>Board clarified Mr. Bestwick’s Spirit of CAN company, that it is an initiative to engage people with mental health issues to speak out. Also clarified that CAN is not an acronym.</p>	<p>Vice Chair Latkiewicz moved to approve the disclosure of Arryl Kaneshiro. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Secretary de la Pena moved to approve the disclosure of Rodney Yama. Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to approve the disclosure of Andrew Bestwick. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
<p>J. Executive Session</p>	<p><u>ES-003 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 21, 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>Vice Chair Latkiewicz moved to go into executive session at 1:36pm. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>K. Return to Open Session</p>		<p>The Board resumed in Open Session at 1:48 p.m.</p> <p>Roll call: Member Burriss: present & alone Member Shiraishi: present & alone Member Toyofuku: present & alone Secretary de la Pena: present & alone Vice Chair Latkiewicz: present</p>

SUBJECT	DISCUSSION	ACTION
		& alone Chair Gentry: present & alone Six members present, quorum.
	<u>Ratify on Board actions taken in Executive Session.</u>	Member Burriss moved to ratify the actions taken by the Board in Executive Session. Secretary de la Pena seconded. Voice Vote: 6 ayes, 0 nays. Motion carried 6:0
L. Announcements	Next Meeting: Friday, March 18, 2022, at 1:00pm	
M. Adjournment		Chair Gentry adjourned the meeting at 1:50 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Kelly Gentry, Chair

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