



## BOARD OF ETHICS

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

**SUSAN BURRISS, MEMBER**  
**ROSE RAMOS-BENZEL, MEMBER**  
**DEAN TOYOFUKU, MEMBER**

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

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

### Public Comments and Testimony:

- **Written testimony** will be accepted 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](mailto:asegreti@kauai.gov) or mailed to the Board of Ethics, c/o Office of Boards and Commissions, 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 Board 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.
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- **Oral testimony** will be taken during the public testimony portion of the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing [asegreti@kauai.gov](mailto: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).
  - Per the Board of Ethics's and Chairs practice, there is three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speaker.

### **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](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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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### REGULAR MONTHLY MEETING NOTICE AND AGENDA

Friday, June 17, 2022  
1:00 p.m. or shortly thereafter  
Līhu`e Civic Center  
Pi`ikoi Building, Suite 300  
4444 Rice Street, Līhu`e, HI 96766

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting of the Open Session**

1. May 20, 2022

**E. PUBLIC TESTIMONY**

**F. COMMUNICATION**

**G. REQUEST FOR AN ADVISORY OPINION**

**H. BUSINESS**

BOE 2022-16

Discussion and possible action regarding Advisory Opinion in response to RAO 2022-01.

BOE 2022-17

Discussion, possible action, and possible approval of The Kaua`i County Board of Ethics (the "Board") proposal to amend Rule 3 of the Board's Rules and Regulations to expand the categories of individuals required to file disclosures as well as to clarify that the disclosures of regulatory employees are not open for public inspection.

**I. DISCLOSURES**

Employees:

1. Leo Sandoval-Reyes, Director Liquor Control Department
2. John Berry, Investigator, Liquor Control Department
3. Lawrence Stem, Investigator, Liquor Control Department
4. Reid Yoshida, Investigator, Liquor Control Department
5. Kenneth Herman, Investigator, Liquor Control Department

Volunteers:

6. Mark Ono, Public Access, Open Spaces and Natural Resources Preservation Fund Commission

Candidates:

7. Michael Roven Poai, Mayoral Candidate
8. Bill DeCosta, County Council Candidate
9. Rosemarie Jauch, County Council Candidate

**J. EXECUTIVE SESSION**

ES-007

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 May 20, 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, July 15, 2022, at 1:00 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

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>May 20, 2022</b>
Location	Boards & Commissions Conference Room, Pi'ikoi Building	Start of Meeting:	1:06 p.m. End of Meeting: 2:37 p.m.
Present	Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.		
Excused	Chair Kelly Gentry, Vice Chair John Latkiewicz.		
Absent			

SUBJECT	DISCUSSION	ACTION
<p><b>A. Call To Order</b> <b>B. Roll Call</b></p>	<p>Chair Kelly Gentry and Vice Chair John Latkiewicz are excused from today's meeting and Secretary de la Pena called the meeting to order and called for nominations of a Chair Pro Tem for the meeting.</p>	<p>Secretary de la Pena called the meeting to order at 1:06 p.m.</p> <p>Member Burriss moved to nominate Secretary de la Pena Chair Pro Tem for today's meeting. Member Ramos-Benzel seconded.</p> <p>Motion carried 4:0</p> <p>Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: excused Chair Gentry: excused Four members present, which constituted a quorum.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>C. Public Hearing</b></p>	<p><u>BOE 2022-11 The Kaua‘i County Board of Ethics (the “Board”) has proposed to amend Rule 3 of the Board’s Rules and Regulations to expand the categories of individuals required to file disclosures as well as to clarify that the disclosures of regulatory employees are not open for public inspection. (Published in The Garden Island 4/17/22)</u></p> <p>The Public Hearing opened at 1:09am by Secretary de la Pena. It was noted that there were no testimonies received by email, snail mail or phone, and no members of the public were present.</p> <p>Deputy County Attorney Aaron Larrimore gave an overview of the proposed changes to Rule 3 (Disclosures) to bring it in line with the County Charter and County Code (on file).</p> <p>The Public Hearing was closed at 1:13pm.</p>	<p>None</p>
<p><b>D. Approval of Agenda</b></p>	<p>Secretary de la Pena entertained a motion to approve the agenda.</p>	<p>Member Burriss moved to accept the agenda as submitted. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p><b>E. Approval of Minutes</b></p>	<p><u>Open Session Minutes of April 8, 2022</u></p> <p>Secretary de la Pena entertained a motion to accept the minutes as presented.</p>	<p>Member Toyofuku moved to accept the minutes as presented. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p><b>F. Public Testimony</b></p>	<p><u>None</u></p>	
<p><b>G. Communication</b></p>	<p><u>BOE 2022-12 Possible conflict of interest and recusal dated April 21, 2022, from Councilmember Luke A. Evslin on ES-1073, relating to an Executive Session Briefing and Request for Settlement Authority.</u></p>	<p>Member Burriss moved to receive BOE 2022-12 for the record. Member Toyofuku seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Voice vote: 4 ayes, 0 nays Motion carried 4:0
	<u>BOE 2022-13 Possible conflict of interest and recusal dated May 12, 2022, from Commissioner Jan TenBruggencate, Vice Chair Charter Review Commission, on CRC 2022-05, relating to a proposed charter amendment to remove Article XXX relating to the Electric Power Authority.</u>	Member Toyofuku moved to receive BOE 2022-13 for the record. Member Ramos-Benzel seconded.  Voice vote: 4 ayes, 0 nays Motion carried 4:0
	<u>BOE 2022-14 Possible conflict of interest and recusal dated May 13, 2022, from Commissioner Francis DeGracia, Vice Chair Planning Commission, relating to application for CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) AND SPECIAL PERMIT (SP-2022-1).</u>	Member Toyofuku moved to receive BOE 2022-14 for the record. Member Ramos-Benzel seconded.  Voice vote: 4 ayes, 0 nays Motion carried 4:0
<b>H. Request for Advisory Opinion</b>	<p><u>RAO 2022-01 Request for an Advisory Opinion from the Office of the Prosecuting Attorney received May 13, 2022, relating to an Outside Employment Request from Eric Bilcich to work as a Civil Process Server for No Ka Oi Process Serving which he owns.</u></p> <p>Member Burriss stated that she does not find any conflict in the request.</p> <p>Member Toyofuku asked Counsel for advice, stating that he does not know what it entails to be a server, but as he reads it, he is employed by Office of Prosecuting Attorney, and questioned if there would be a conflict, if he had to serve someone in the County,</p> <p>The Board continued a discussion of what the parameters of his job, and criminal vs. civil complaints. He is serving criminal complaints while working for County and is it okay for him to serve civil complaints on his off time.</p> <p>Administrator Ching shared a State Ethics Commission opinion on a case involving a State investigator working as a private investigator (on file).</p> <p>Deputy County Attorney suggested that if they jobs involved more than process serving than the Board needs to look into it a little more. He discussed with Board about how process servers may be used by the County and what situations may constitute a conflict.</p>	<p>Member Burriss moved to approve request as no conflict for purpose of discussion. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p> <p>Member Burriss withdrew her motion to approve request as no conflict for purpose of discussion. Member Toyofuku withdrew his second.</p> <p>Member Burriss moved to deny the request as presented with suggestion that if he wishes to reapply as to the scope of his clientele the Board will look at it again. Member Ramos-Benzel seconded.</p>

SUBJECT	DISCUSSION	ACTION
	<p>The Board discussed the need for more information.</p> <p>After motion made to deny, it was withdrawn noting that there was time to defer this item and request more information and the presence of the prosecutor at the next meeting.</p>	<p>Member Burriss withdrew her motion to deny the request as presented with suggestion that if he wishes to reapply as to the scope of his clientele the Board will look at it again. Member Ramos-Benzek withdrew her second.</p> <p>Member Toyofuku moved to defer RAO 2022-01 and request for more information and request the presence of the prosecutor. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays          Motion carried 4:0</p>
<b>I. Business</b>	<u>None</u>	
<b>J. Disclosures</b>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Patrick Henriques, Inspector, Planning Department</li> <li>2. Stacy Iwasaki, Assistant Chief Liquor Inspector</li> <li>3. Jennifer Winn, Deputy Prosecuting Attorney</li> <li>4. Keola Siu, First Deputy Prosecuting Attorney</li> </ol> <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>5. Howard Leslie, Salary Commission</li> <li>6. Jerry Nishihira, Board of Review</li> <li>7. Robin Pratt, Public Access, Open Spaces and Natural Resources Preservation Fund Commission</li> </ol> <p><u>Candidates:</u></p> <ol style="list-style-type: none"> <li>8. Derek Kawakami, Mayor</li> <li>9. Melvin Rapozo, County Council</li> </ol>	



SUBJECT	DISCUSSION	ACTION
	<p>10. Clint Yago, County Council            11. James Langtad, County Council</p> <p>Secretary de la Pena entertained a motion to accept numbers 1-11.</p>	<p>Member Toyofuku moved to accept #1-11. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays            Motion carried 4:0</p>
<p><b>K. Executive Session</b></p>	<p><u>ES-006 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 April 8, 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>Member Ramos-Benzel moved to go into executive session at 1:51 pm. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays            Motion carried 4:0</p>
<p><b>L. Return to Open Session</b></p>		<p>The Board resumed in Open Session at 2:37 p.m.</p>

SUBJECT	DISCUSSION	ACTION
	<u>Ratify on Board actions taken in Executive Session.</u>	Member Burriss moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded.  Voice Vote: 4 ayes, 0 nays. Motion carried 4:0
<b>M. Announcements</b>	Next Meeting: Friday, June 17, 2022, at 1:00pm	
<b>N. Adjournment</b>		Secretary de la Pena adjourned the meeting at 2:37 p.m.

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist Ryan de la Pena, Secretary

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