



BOARD OF ETHICS

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 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 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 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, 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 MEETING NOTICE AND AGENDA

Friday, December 16, 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. November 18, 2022

E. PUBLIC TESTIMONY

F. COMMUNICATION

G. REQUEST FOR AN ADVISORY OPINION

H. BUSINESS

- | | |
|-------------|---|
| BOE 2022-21 | Discussion and possible action regarding Advisory Opinion in response to RAO 2022-03. |
| BOE 2022-22 | Election of Chair, Vice Chair and Secretary for 2023 Calendar year. |
| BOE 2022-23 | Discussion and possible approval of the 2023 meeting schedule. |

I. DISCLOSURES

Employees:

1. Bernard Carvalho, Jr., Councilmember
2. Bill DeCosta, Councilmember
3. Felicia Cowden, Councilmember
4. Lyndon Yoshioka, Deputy County Clerk
5. KipuKai Kualī'i, Councilmember
6. Addison Bulosan, Councilmember
7. Ellen Ching, Administrator, Boards & Commissions

Volunteers:

8. Glenda Nogami Streufert, Planning Commissioner
9. Julie Caspillo, Board of Review Member
10. Lee Gately, Kauai Historic Preservation Review Commissioner
11. Paul Endo, Liquor Control Commissioner
12. Mary Kay Hertog, Police Commissioner

J. EXECUTIVE SESSION

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 November 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, January 20, 2023, 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:	BOARD OF ETHICS	Meeting Date	November 18, 2022	
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting:	1:00 p.m.	End of Meeting: 1:18 p.m.
Present	Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.			
Excused	Chair Kelly Gentry			
Absent				
SUBJECT	DISCUSSION			ACTION
A. Call To Order B. Roll Call				Vice Chair Latkiewicz called the meeting to order at 1:00 p.m. Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: excused Five members present, which constituted a quorum.

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda	<p>Vice Chair Latkiewicz asked Ellen Ching, Administrator if there was anyone in the audience.</p> <p>Ms. Ching affirmed that there were three people in the audience and asked if they wanted to testify on any item on the agenda. They declined and Ms. Ching noted three people in audience and that they did not want to testify on any of the agenda items.</p> <p>Vice Chair Latkiewicz entertained a motion to approve the agenda.</p>	<p>Secretary de la Pena moved to accept the agenda as submitted. Member Ramos-Benzel seconded.</p> <p>Motion carried 5:0</p>
D. Approval of Minutes	<p>Minutes of the Open Session: 1. September 16, 2022</p> <p>Vice Chair Latkiewicz entertained a motion to approve the minutes.</p>	<p>Member Toyofuku moved to accept the minutes of 9/16/22 as submitted. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p>
E. Public Testimony	None	
F. Communication	None	
G. Request for Advisory Opinion	<p><u>RAO 2022-03 Request for an Advisory Opinion from James (Kimo) Tejada received on November 7, 2022, relating to outside employment to do small maintenance repair work.</u></p> <p>Vice Chair Latkiewicz asked if Mr. Tejada was present.</p> <p>Mr. Tejada confirmed his presence and stated that he had nothing more to add to his request.</p> <p>Vice Chair Latkiewicz asked if any members had any questions. Hearing none he asked for a motion.</p> <p>Administrator Ching asked the Board to clarify the motion, as to whether it is specific to work at regency or in general.</p> <p>Deputy County Attorney Foster clarified that he or Deputy County Attorney will draft a letter to Mr. Tejada regarding position.</p>	<p>Member Burriss moved to find no conflict on Mr. Tejada’s request. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p> <p>Member Burriss amended the motion and moved to find no conflict on Mr. Tejada’s request if he proceeds in accordance as outlined in his letter. Secretary de la Pena seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
H. Business	None	
I. Disclosures	None	
	Administrator Ching noted that there is no one in the audience and the Vice Chair did not have to ask for testimony.	
J. Executive Session	<p><u>ES-012 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 September 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 de la Pena moved to enter into Executive Session at 1:11pm. Member Toyofuku seconded.</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
K. Return to Open Session		The Board resumed in Open Session at 1:17 p.m.
	<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. Motion carried 5:0
L. Announcements	Next Meeting: Friday, December 16, 2022, at 1:00pm	
M. Adjournment		Hearing no objections Vice Chair Latkiewicz adjourned the meeting at 1:18 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist John Latkiewicz, Vice Chair

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

Board of Ethics

2023 Meeting Schedule

January						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
Su	Mo	Tu	We	Th	Fr	Sa
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March						
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April						
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30						

May						
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28	29	30	31			

June						
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July						
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August						
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September						
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October						
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November						
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26	27	28	29	30		

December						
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24	25	26	27	28	29	30
31						

HOLIDAYS:

- | | |
|---|-------------------------|
| Jan 2 New Year's Day | Jul 4 Independence Day |
| Jan 16 Dr. Martin Luther King, Jr. Day | Aug 18 Statehood Day |
| Feb 20 Presidents' Day | Sep 4 Labor Day |
| Mar 27 Prince Jonah Kūhiō Kalanianaʻole Day | Nov 10 Veterans' Day |
| Apr 7 Good Friday | Nov 23 Thanksgiving Day |
| May 29 Memorial Day | Dec 25 Christmas Day |
| Jun 12 King Kamehameha I Day | |