

Dean Toyofuku  
Chair

Mia Shiraishi  
Vice Chair

Susan Burriss  
Secretary

Members:  
Ryan de la Pena  
Maureen Tabura  
Mary Tudela

**COUNTY OF KAUA'I BOARD OF ETHICS  
NOTICE OF MEETING AND AGENDA**

Friday, January 18, 2019  
1:00 p.m. or shortly thereafter  
Mo'ikeha Building, Liquor Conference Room 3  
4444 Rice Street, Līhu'e, HI 96766

**CALL TO ORDER**

**APPROVAL OF MINUTES**

Open Session Minutes of December 7, 2018

**COMMUNICATION**

BOE 2019-01

List of positions and appointees responsible for submitting a disclosure statement

**REQUEST FOR AN ADVISORY OPINION**

**BUSINESS**

**DISCLOSURES**

1. Mia R. Shiraishi – Board of Ethics
2. Ellen M. Ching – Administrator of Boards and Commissions
3. Gary A. Pacheco – Liquor Control Commission
4. Donna Apisa – Planning Commission
5. Virginia Kapali - Charter Review Commission
6. William F. Gibson - Liquor Control Commission
7. Mary K. Hertog – Police Commission
8. Patrick T. Porter – Director of Parks and Recreation
9. Peter M. Morimoto – Deputy County Attorney
10. Kipukai L.P. Kualī'i – Councilmember
11. Elton S. Ushio – Emergency Management Administrator
12. Derek S.K. Kawakami – Mayor
13. Celia M. Wooton-Mahikoa – Executive on Transportation

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14. Maryann Sasaki – Deputy County Attorney
15. Kanani Fu – Housing Director
16. Kaaina S. Hull – Planning Commission
17. Michael A. Dahilig – Managing Director
18. Nicholas R.H. Courson – First Deputy County Attorney
19. Jodi A. Sayegusa – Deputy Director of Planning
20. Matthew M. Bracken – County Attorney
21. Scott K. Sato – Deputy County Clerk
22. Jade K. Fountain-Tanigawa – County Clerk
23. Arthur J. Brun – Councilmember
24. Mason K. Chock – Councilmember
25. Ross K. Kagawa – Councilmember
26. Arryl J. Kaneshiro – Councilmember
27. Mark L. Ishmael – Deputy County Attorney
28. Mahealani M. Krafft – Deputy County Attorney
29. Cameron N. Takamura – Deputy County Attorney
30. Adam P. Roversi – Deputy County Attorney
31. Mark L. Bradbury – Deputy County Attorney
32. Lyle M. Tabata – Deputy County Engineer/Ex. Officio for Board of Water Supply
33. Dean A. Pigao – Police Commission
34. Michelle L. Lizama – Finance Deputy Director
35. Bryan M. Wienand – Manager & Chief Engineer, Dept. of Water
36. Wallace G. Rezentes Jr. – Deputy Director of Parks and Recreation
37. Blanche R. Matsuyama – Director of Finance
38. Sarah K. Blane – Chief of Staff
39. Ludvina K. Takahashi – Executive Director of Office of Aging
40. Jeremy K. Lee – Transportation Dept. Program Specialist III

**EXECUTIVE SESSION**

**RETURN TO OPEN SESSION**

**ANNOUNCEMENTS**

Next Meeting: Friday, February 15, 2019 – 1:00 p.m., Mo‘ikeha Building, Liquor Conference Room 3

**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: Deputy County Attorney Maryann Sasaki

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24 hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Board of Ethics  
Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Līhu‘e, HI 96766  
Phone: (808) 241-4881 Fax: (808) 241-5127

SPECIAL ASSISTANCE

If you need an ASL Interpreter, materials in an alternate format, or other auxiliary aid support, or an interpreter for a language other than English, please contact Anela Segreti at (808) 241-4917 or [asegreti@kauai.gov](mailto:asegreti@kauai.gov) at least seven calendar days prior to the meeting.



# DRAFT TO BE APPROVED

COUNTY OF KAUAI  
 Minutes of Special Meeting  
 OPEN SESSION

Board/Commission:		BOARD OF ETHICS		Meeting Date	December 7, 2018
Location	Mo'ikeha Building, Meeting Room 2A/2B		Start of Meeting:	1:00 p.m.	End of Meeting: 1:21 p.m.
Present	Chair Michael Curtis. Vice Chair Maureen Tabura (entered at 1:03 p.m.). Secretary Mia Shiraishi. Members: Susan Burriss, Dean Toyofuku, and Ryan de la Pena. Also: Office of the County Attorney: First Deputy County Attorney (former Administrator of Boards and Commissions) Nicholas R. Courson and Deputy County Attorney Mark Bradbury. Boards & Commissions Office Staff: Support Clerk Darcie Agaran.				
Excused	Mary Tudela				
Absent					
SUBJECT		DISCUSSION			ACTION
Call To Order					Chair Curtis called the meeting to order at 1:00 p.m. with five members present which constituted a quorum.
Approval of Minutes	<u>Open Session Minutes of October 19, 2018</u> Hearing no changes, corrections, or additions, Chair Curtis entertained a motion to approve the minutes.				Mr. de la Pena moved to approve the Open Session minutes of October 19, 2018, as circulated. Ms. Burriss seconded the motion. Motion carried 4:0:1 (Abstention- Ms. Shiraishi).
Communication	There was no communication.				
Request for an Advisory Opinion	<u>Request for an Advisory Opinion from Ellen Ching regarding her appointment as the Administrator of Boards and Commissions</u>				

Open Session Minutes 12/7/18

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ellen Ching thanked for the Board for convening a Special Meeting. She noted that she submitted a letter dated November 23, 2018, disclosing her reasons for her request, and that she was open to any questions from the Board.</p> <p><i>Ms. Tabura entered the meeting at 1:03 p.m.</i></p> <p>Chair Curtis stated he understood there was a potential conflict of interest with Ms. Ching’s husband, Mr. Belles, representing several clients before various boards and commissions. He asked if Ms. Ching was capable of administering the Boards and Commissions without a conflict of interest and recusing herself if there was one to which Ms. Ching replied, “Absolutely.”</p> <p>Ms. Shirraishi asked, for clarification, if Ms. Ching’s function as the Administrator was not to influence any board or commission members as to how they vote or decide, and that her function would be administrative and operational to which Ms. Ching replied yes.</p> <p>Hearing no further questions, Chair Curtis entertained a motion.</p>	<p>Mr. de la Pena moved to find no conflict of interest. Ms. Burriss seconded the motion. Motion carried 6:0.</p>
<p><b>Disclosures</b></p>	<ol style="list-style-type: none"> <li>1. Donald G. Kolenda – Board of Review</li> <li>2. Felicia E. Cowden – County Council</li> <li>3. Luke A. Evslin – County Council</li> <li>4. Ellen M. Ching – Administrator of Boards and Commissions</li> </ol> <p>Chair Curtis noted that Mr. Kolenda listed “Carol” as his spouse and assumed that her last name is “Kolenda” as well. He asked if that presumption could be made. Ms. Burriss didn’t think they could and suggested that they do a conditional approval.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>Mr. de la Pena noted that Ms. Ching's disclosure didn't include her new position's income. Chair Curtis stated that she wasn't approved for it yet and that she will have 30 days to update her disclosure.</p> <p>Chair Curtis entertained a motion to receive Donald Kolenda's disclosure statement as complete, subject to the confirmation that his spouse's name is "Carol Kolenda." Ms.</p> <p>Chair Curtis entertained a motion to approve Disclosures 2, 3, and 4 for Felicia Cowden, Luke Evslin, and Ellen Ching, respectively, as complete.</p>	<p>Ms. Burriss moved to accept Disclosure 1 as complete, subject to the confirmation that his spouse's name is "Carol Kolenda." Ms. Tabura seconded the motion. Motion carried 6:0.</p> <p>Mr. de la Pena moved to accept Disclosures 2, 3, and 4 as complete. Mr. Toyofuku seconded the motion. Motion carried 6:0.</p>
<p><b>Business</b></p>	<p><u>BOE 2018-17 Explicit recommendation on the steps to be taken at the Charter level and the administrative level to improve the existing countywide disclosure requirement coupled with a fine schedule for non-compliance</u></p> <p>First Deputy County Attorney and former Administrator of Boards and Commissions Nicholas Courson reiterated that he felt an ordinance was the easiest way to implement a fine schedule, and that it was consistent with what the other jurisdictions have done. He explained that they would need a sponsoring councilmember, which should be easy if the work was done prior to it being sent to Council. Mr. Courson stated that the Board could ask its new counsel, Deputy County Attorney Maryann Sasaki, to draft the proposed bill for the Board's consideration. Once the Board agrees with the proposal, then it could be submitted to Council for their consideration.</p> <p>Chair Curtis asked the Board how they wanted to move forward.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. de la Pena pointed out that there was a suggested fine schedule included in their meeting packet.</p> <p>Discussion:            Instead of saying “first class mail,” Ms. Shiraishi suggested to revise it to say “certified restricted delivery” so that they could obtain confirmation that the person received the notification.</p> <p>Discussion:            Ms. Burriss noted that she had a problem with certified mail on the first go-around as there is a lot of admin and costs involved.</p> <p>Ms. Shiraishi felt that it was important to be informed that the person received the notification and the date they received it for tracking purposes since the penalty would be assessed after the 10<sup>th</sup> day.</p> <p>Mr. Toyofuku asked who the responsible entity to monitor the fines was. Mr. Courson stated that with the disclosure requirements being triggered upon material change, it will be hard to be proactive. He added that the fine schedule was more of a reactive thing when it’s brought to the Board’s attention that someone did not update their disclosure.</p> <p>Mr. Toyofuku asked if the disclosure requirement could be changed to which Mr. Courson replied yes, but that it would entail a charter amendment, so it was not as easily done. However, the easy path in that situation would be to approach the Charter Review Commission for a possible amendment on the 2020 ballot.</p>	<p>Ms. Burriss moved to adopt the recommended fine schedule. Mr. de la Pena seconded the motion.</p> <p>Ms. Shiraishi moved to amend the fine schedule to change “first class mail” to “certified restricted delivery.” Ms. Tabura seconded the motion.</p>

Board of Ethics – Special Meeting  
 Open Session  
 December 7, 2018

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Tabura noted that it would be voted on by the public, so there was no guarantee that the amendment would pass.</p> <p>Chair Curtis requested for a list of the positions and appointees responsible for submitting a disclosure statement, as well as the notification that a new disclosure is required within 30 days of any change in the items required to be disclosed, so that the rules and penalties are spelled out for everyone.</p> <p>Hearing no further discussion, Chair Curtis called for the vote on the amendment.</p>	<p>Motion carried 6:0.</p>
<b>Executive Session</b>	<p>Chair Curtis called for the vote on the main motion.</p> <p>There was no Executive Session.</p>	<p>Motion carried 6:0.</p>
<b>Announcements</b>	<p><u>Next Meeting: Friday, January 18, 2019 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room 3</u></p>	
<b>Adjournment</b>		<p>With no objections, Chair Curtis adjourned the meeting at 1:21 p.m.</p>

Submitted by: \_\_\_\_\_  
 Darcie Agaran, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
 Michael Curtis, Chair

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



<b>Title</b>	<b>First Name</b>	<b>Last Name</b>
<b>Mayor</b>	Derek	Kawakami
<b>Economic Development</b>	Robbie	Melton
<b>Council Chair</b>	Arryl	Kaneshiro
<b>Council Vice Chair</b>	Ross	Kagawa
<b>Councilmembers</b>	Arthur	Brun
	Mason	Chock
	Felicia	Cowden
	Luke	Evslin
	KipuKai	Kualii
<b>County Auditor</b>		
<b>Managing Director</b>	Michael	Dahilig
<b>Director of Finance</b>	Ken	Shimonishi
	Reiko	Matsuyama
<b>Deputy Director of Finance</b>	Michelle	Lizama
<b>County Attorney</b>	Matthew	Bracken
<b>First Deputy County Attorney</b>	Nicholas	Courson
<b>Deputy County Attorney</b>	Mahealani	Krafft
	Adam	Roversi
	Mark	Bradbury
	Peter	Morimoto
	Cameron	Takamura
	Mark	Ishmael
	Maryann	Sasaki
<b>Chief of Police</b>		
<b>Acting Chief of Police</b>	Michael	Contrades
<b>Deputy Chief of Police</b>		
<b>County Clerk</b>	Jade	Tanigawa
<b>Deputy County Clerk</b>	Scott	Sato
<b>Director of PW/County Engineer</b>		
<b>Acting County Engineer</b>	Lyle	Tabata
<b>Deputy Director/County Engineer</b>	"	"
<b>Housing Director</b>	Kanani	Fu
<b>Director of Parks &amp; Recreation</b>	Patrick	Porter
<b>Deputy Director of Parks &amp; Recreation</b>	Wallace	Rezentes Jr.

BOE 2019-01

<b>Fire Chief</b>	Robert	Westerman
<b>Deputy Fire Chief</b>	Kilipaki	Vaughan
<b>Manager &amp; Chief Engineer (Water)</b>	Bryan	Wienand
<b>Deputy Manager</b>		
<b>Planning Director</b>	Kaaina	Hull
<b>Deputy Planning Director</b>	Jodi	Sayegusa
<b>Prosecuting Attorney</b>	Justin	Kollar
<b>First Deputy Prosecuting Attorney</b>	Jennifer	Winn
<b>Second Deputy Prosecuting Attorney</b>	Rebecca	Vogt Like
<b>Deputy Prosecuting Attorney</b>	Matthew	Arakawa
	Jared	Brickey
	Anne	Clarkin
	Leon	Davenport
	Katherine	Caswell
	Tony	Herndon
	Tracy	Murakami
	Eunice	Park
	Ramsey	Ross
	Keola	Siu
	Kimberly	Torigoe
	Todd	Dickenson
	Sean	Van Demark
<b>Director of Liquor</b>	Gerald	Rapozo
<b>Director of Human Resources</b>		
<b>Acting Director of Human Resources</b>	Janine	Rapozo
<b>Director of Transportation</b>	Celia	Mahikoa
<b>Emergency Management Administrator</b>	Elton	Ushio
<b>Executive on Elderly Affairs</b>	Ludvina	Takahashi
<b>Purchasing Agent</b>	Ernest	Barreira
<b>Boards &amp; Commissions Administrator</b>	Ellen	Ching