

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 10/18/19

Board/Commission:	BOARD OF ETHICS	Meeting Date	September 20, 2019	
Location	Mo'ikeha Building, Liquor Conference Room 3	Start of Meeting:	1:00 p.m.	End of Meeting: 1:41 p.m.
Present	Chair Dean Toyofuku, Vice Chair Mia Shiraishi. Members: Ryan de la Pena, Maureen Tabura Also: Deputy County Attorney Todd Jenson. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.			
Excused	Mary Tudela, Secretary Susan Burriss			
Absent				

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Toyofuku called the meeting to order at 1:00 p.m. with four members present which constituted a quorum.
Approval of Minutes	<u>Open Session Minutes of August 23, 2019</u>	Ms. Tabura moved to approve the minutes of August 23, 2019 as circulated. Mr. de la Pena seconded. Motion carried 4:0.
Communication	<u>BOE 2019-25 Report of State Ethics Conference.</u> Reports from Chair Toyofuku and Vice Chair Shiraishi (on file). Chairs gave a summary of the First State Ethics Conference and shared what they feel are areas they should be looking at: 45 day response to RAOs; Anonymous Complaints; Notary for Disclosures; Gift Disclosures. These will be placed on next month's agenda for discussion.	
Request for Advisory Opinion	None	

SUBJECT	DISCUSSION	ACTION
<p>Business</p>	<p><u>BOE 2018-17 Discussion and possible action by the Board of Ethics to provide explicit recommendation(s) on how to improve the existing countywide disclosure requirement and to discuss and propose a fine schedule for non-compliance. Review and discuss HRS section 46-1.5(24), County of Honolulu Chapter 6 Ethics Board Sec. 3-8.5, Chapter 14 Ethics Board of Appeals.</u></p> <p>Chair Toyofuku explained that the documents that pertain to the fine schedule and the Board of Appeals situation.</p> <p>Ms. Ching recommended a deferral to allow the new Deputy County Attorney, Todd Jenson, to review previous recommendations from the previous Deputy County Attorney and the documents from HRS, and City and County of Honolulu. She stated that though we do not have an active Board of Appeals, most appeals are referred to contested cases, which is a due process. It is up to the County Attorney to determine if that is an adequate process for appeals.</p> <p><u>BOE 2019-26 Review and approve revocations of Advisory Opinions RAO 13-006 and RAO 18-004.</u></p> <p>Ms. Ching reviewed that these Advisory Opinions were brought up in a recent Request for Advisory Opinion that was requesting to perform the same type of outside work that had been found to not be a conflict. In reviewing those opinions in light of the new request, the Board decided to revoke those opinions.</p> <p>Vice Chair Shiraishi asked about second paragraph on page 3, “Inasmuch as the Board’s discussions and deliberations concerning this matter were ..., no redacted version of the Advisory Opinion shall be prepared.” Is it an Advisory Opinion or is it a Declaratory Order?</p> <p>Ms. Ching responded that it should be Declaratory Order.</p>	<p>Mr. de la Pena moved to defer BOE 2018-17 for Counsel’s review and advisement. Ms. Shiraishi seconded. Motion carried 4:0</p>

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	<p>Vice Chair Shiraishi also corrected last sentence on page 3 should be superseded, one word not two and also correct spelling of Burrriiss.</p> <p><u>BOE 2019-22 Discussion and possible action by the Board to provide notice to County employees regarding ethics requirements for former employees.</u></p> <p>Ms. Ching requested a deferral.</p>	<p>Ms. Shiraishi moved to approve with corrections BOE 2019-26. Ms. Tabura seconded. Motion carried 4:0</p> <p>Ms. Tabura moved to defer BOE 2019-22. Mr. de la Pena seconded. Motion carried 5:0</p>
Disclosures	<p><u>Employee/Elected Official/Officer</u></p> <ol style="list-style-type: none"> 1. Matthew Bracken, County Attorney <p><u>Volunteer</u></p> <ol style="list-style-type: none"> 2. Marissa Sandblom, Charter Review Commission 3. Stephen Long, Kauai Historic Preservation Review Commission 4. Mia Shiraishi, Board of Ethics 	<p>Ms. Tabura moved to accept Disclosures 1,2,3 and defer 4 due to a lack of quorum for 4. Mr. de la Pena seconded. Motion carried 4:0</p>
Executive Session	<p>Chair Toyofuku entertained a motion to enter into Executive Session pursuant to HRS §92-4, §92-5 (a) (2) and (4), §92-6 (a) (b), the purpose of this Executive Session is to consider the evaluation, dismissal or discipline of an employee or officer of the County in which charges have been alleged against an employee or officer where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Board’s legal counsel on issues pertaining to the Board’s and the County’s powers, duties, privileges, immunities, and /or liabilities as they may relate to this item, deliberate and take such action as appropriate.</p> <p>The Board moved into Executive Session at 1:18pm.</p>	<p>Ms. Tabura moved to go into executive session. Ms. Burriss seconded. Motion carried 5:0.</p>
Return to Open Session	<p>Ratify Board actions taken in Executive Session.</p>	<p>The Board resumed in Open Session at 1:41 pm</p> <p>Mr. de la Pena moved to ratify decisions made in Executive Session. Ms. Shiraishi seconded. Motion carried 4:0</p>
Announcements	<p>Next Meeting: Friday, October 18, 2019 – 1:00 p.m., Mo’ikeha Building, Liquor Conference Room 3.</p> <p>Vice Chair Shiraishi will not be attending. Ms. Tabura may not be attending.</p>	
Adjournment		<p>Mr. de la Pena moved to adjourn the meeting, Ms. Shiraishi seconded. Chair Toyofuku adjourned the meeting at 1:41 p.m.</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Dean Toyofuku, Chair

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