



COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as amended 5/19/2020

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>April 17, 2020</b>
Location	Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 3:52 p.m.
Present	Chair Mia Shiraishi, Vice Chair Susan Burriss, Secretary Mary Tudela. Members: John Latkiewicz, Dean Toyofuku. Also: Deputy County Attorneys Todd Jenson, Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>	Ellen Ching, Administrator, went over the meeting rules (on file).	Chair Shiraishi called the meeting to order at 1:00 p.m. Roll call: Chair Shiraishi: present Vice Chair Burriss: present Secretary Tudela: present Mr. Toyofuku: present Mr. Latkiewicz: present Five members present, which constituted a quorum.
<b>Approval of Minutes</b>	<u>Open Session Minutes of February 21, 2020</u>	Mr. Latkiewicz moved to approve the minutes of February 21, 2020 as submitted. Mr. Toyofuku seconded. Roll call vote: Chair Shiraishi: aye Vice Chair Burriss: aye Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0

SUBJECT	DISCUSSION	ACTION
<b>Communication</b>	<u>BOE 2020-07 Written testimony from Ken Taylor dated February 2020 regarding letter from County Attorney, Matthew Bracken, dated February 6, 2020 regarding request for a response to Ken Taylor’s Communication dated January 17, 2020.</u>	<p>Ms. Tudela moved to receive BOE 2020-07 for the record. Mr. Toyofuku seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p>
	<u>BOE 2020-08 Email from Madison Perry dated 2/27/2020 regarding recommendation to remove Councilmember Brun.</u>	<p>Vice Chair Burriss moved to receive BOE 2020-08 for the record. Mr. Toyofuku seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p>
	<u>BOE 2020-11 Letter from Matthew Bracken, County Attorney, dated 3/12/2020 regarding Board of Ethics Impeachment Power.</u>	<p>Mr. Latkiewicz moved to receive BOE 2020-11 for the record. Ms. Tudela seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye</p>

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		Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0
	<u>BOE 2020-13 Possible conflict of interest dated March 11, 2020 from Council Chair Arryl Kaneshiro regarding C 2020-73 relating to Grove Farm.</u>	Vice Chair Burriss moved to receive BOE 2020-13 for the record. Ms. Tudela seconded.  Roll call vote: Chair Shiraishi: aye Vice Chair Burriss: aye Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0
<b>Request for an Advisory Opinion</b>	None	
<b>Business</b>	<u>BOE 2020-12 Discussion and possible action regarding issuing a statement regarding Councilmember Brun.</u>  Ms. Ching read the draft statement into the record (on file), as well as an added statement from Secretary Tudela regarding the guide to ethical issues information (on file).  Chair Shiraishi entertained a motion to approve.  Vice Chair Burriss clarified that the motion is for the statement with amendment from Secretary Tudela.  Ms. Ching asked Board to amend or withdraw motion to clarify the addendum is also approved.  Chair Shiraishi clarified the issuing of the statement.	Mr. Latkiewicz moved to approve BOE 2020-12. Vice Chair Burriss seconded.  Mr. Latkiewicz moved to amend the motion to approve BOE 2020-12 with the addendum by Secretary Tudela at the end. Vice Chair Burriss

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	<p>Ms. Ching suggested that it would be posted on the Board of Ethics webpage. She shared that she received other inquiries and will respond to those as well with the statement from the County Attorney (on file).</p>	<p>seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p>
	<p><u>BOE 2020-03 Discussion and possible action by the Board of Ethics regarding letter from County Clerk, Jade Fountain-Tanigawa, dated January 31, 2020 regarding the 2019 County of Kaua'i Lobbyist Registration.</u></p> <p>Ms. Ching read the letter received from County Clerk (on file) in response to Boards letter for clarification (on file) into the record. Letter updated the Board on filings. She pointed out that Mr. Arakawa is current and Mr. Rietow is delinquent.</p> <p>Chair called for a motion on how to move on this information.</p> <p>Ms. Ching asked Deputy County Attorney for consultation.</p> <p>Todd Jenson, Deputy County Attorney, suggested sending a letter to the individual regarding complying with filing or forwarding a termination.</p>	<p>Vice Chair Burriss moved to request Counsel to draft a letter for signature from the Chair on behalf of the Board of Ethics to Mr. Rietow. Secretary Tudela seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p>

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	<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>Ms. Ching asked County Attorney’s if they wanted to defer this item.</p> <p>Mr. Jenson stated that they are prepared to discuss this item, but will defer at the Chair’s discretion.</p> <p>Chair Shiraishi stated that the agenda is full and deferral would be best.</p>	<p>Secretary Tudela moved to defer BOE 2018-17. Vice Chair Burriss seconded.</p> <p>Roll call vote: Chair Shiraishi: aye Vice Chair Burriss: aye Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0</p>
<p><b>Disclosures</b></p>	<p style="text-align: center;"><u>Employees:</u></p> <p>1. Ernest Barreira, Assistant Chief Procurement Officer Chair Shiraishi entertained a motion to approve. Hearing no discussion Chair Shiraishi called for the vote.</p> <p>2. Michelle Lizama, Deputy Director of Finance Chair Shiraishi entertained a motion to approve. Hearing no discussion Chair Shiraishi called for the vote.</p>	<p>Mr. Latkiewicz moved to approve the disclosure of Mr. Barreira. Secretary Tudela seconded.</p> <p>Roll call vote: Chair Shiraishi: aye Vice Chair Burriss: aye Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0</p> <p>Secretary Tudela moved to approve the disclosure of Ms. Lizama. Vice Chair Burriss seconded.</p>

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	<p style="text-align: center;"><u>Volunteers:</u></p> <p>3. Jan TenBruggencate, Charter Review Commission            Chair Shiraishi entertained a motion to approve.            Hearing no discussion Chair Shiraishi called for the vote.</p> <p>4. Carolyn Larson, Kaua'i Historic Preservation Commission            Chair Shiraishi entertained a motion to approve.            Hearing no discussion Chair Shiraishi called for the vote.</p>	<p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p> <p>Vice Chair Burriss moved to approve the disclosure of Mr. TenBruggencate. Secretary Tudela seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p> <p>Secretary Tudela moved to approve the disclosure of Ms. Larson. Vice Chair Burriss seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye</p>

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	<p>5. Melvin Chiba, Planning Commission            Hearing no discussion Chair Shiraishi called for the vote.</p> <p>6. Laurie Yoshida, Salary Commission            Chair Shiraishi entertained a motion to approve.</p> <p>Vice Chair Burriss asked what it means when it says home address exempt.</p> <p>Mr. Jenson responded that they are not sure what this individual meant. He stated that the only exemption he is aware of is if a person is a victim of domestic violence or crime, there is an address protection program. He went over the requirement in the Charter that owned property, including home's address must be disclosed as part of the disclosure. He suggested that the disclosure be sent back asking for clarification as to why their address should be exempt.</p> <p>Mr. Foster added that he checked case law, there is Nakano v. Matayoshi 68Hawaii148 that the State Supreme Court has weighed in on this and find it legal to disclose address.</p>	<p>Mr. Latkiewicz: aye            Motion carried 5:0</p> <p>Secretary Tudela moved to approve the disclosure of Mr. Chiba. Vice Chair Burriss seconded.</p> <p>Roll call vote:            Chair Shiraishi: aye            Vice Chair Burriss: aye            Secretary Tudela: aye            Mr. Toyofuku: aye            Mr. Latkiewicz: aye            Motion carried 5:0</p> <p>Mr. Toyofuku moved to approve the disclosure of Ms. Yoshida. Mr. Latkiewicz seconded.</p>







SUBJECT	DISCUSSION	ACTION
	<p>ES-017: BOE 2020-10 Report, discussion and possible action on Resolution 2019-1 for an investigation under Rule 6.2 into an allegation 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 A and E, the Kaua'i County Code 1987, as amended by June 2019 Code Supplement, Article 1, Section 3-1.4 and 3-1.6.</p> <p>No officer or employee of the county shall:</p> <p>a. Solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer or employee's official duties or is intended as a reward for any official action on the officer or employee's part.</p> <p>b. Use county property for other than public activity or purpose.          The Chair entertained a motion to move into Executive Session.</p> <p style="text-align: center;">The Board moved into Executive Session at 2:03pm.</p>	<p>Vice Chair Burriss moved to go into executive session. Secretary Tudela seconded.</p> <p>Roll call vote:          Chair Shiraishi: aye          Vice Chair Burriss: aye          Secretary Tudela: aye          Mr. Toyofuku: aye          Mr. Latkiewicz: aye          Motion carried 5:0</p>
<p><b>Return to Open Session</b></p>		<p>The board resumed in Open Session at 3:49pm</p> <p>Roll call:          Chair Shiraishi: present          Vice Chair Burriss: present          Secretary Tudela: present          Mr. Toyofuku: present          Mr. Latkiewicz: present          Five members present.</p>

SUBJECT	DISCUSSION	ACTION
	Ratify Board actions taken in Executive Session.	Secretary Tudela moved to ratify decisions made in Executive Session. Mr. Latkiewicz seconded.  Roll call vote: Chair Shiraishi: aye Vice Chair Burriss: aye Secretary Tudela: aye Mr. Toyofuku: aye Mr. Latkiewicz: aye Motion carried 5:0
<b>Announcements</b>	Next Meeting: Friday, May 2020 – 1:00 p.m., Location TBD  Vice Chair Burriss asked about next meeting date. Ms. Ching stated that the Board will be notified of the date.  Vice Chair Burriss raised the question regarding receiving communication on ES-017: BOE 2020-10. Board will receive for the record at the May meeting.	
<b>Adjournment</b>		Without objections Chair Shiraishi adjourned the meeting at 3:52pm

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist Mia Shiraishi, Chair

- ( ) Approved as circulated.
- ( X ) Approved with amendments. See minutes of 5/19/2020 meeting.