



COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved with corrections 1/15/21.

Board/Commission:	BOARD OF ETHICS	Meeting Date	December 11, 2020
Location	Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 3:19 p.m.
Present	Chair Mia Shiraishi, Vice Chair Susan Burriss, Secretary Mary Tudela. Members: John Latkiewicz, Dean Toyofuku. Also: Deputy County Attorney Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused	Kelly Gentry		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order	Member Toyofuku disconnected from meeting and rejoined at 1:05pm	Chair Shiraishi called the meeting to order at 1:00 p.m. Roll call: Member Gentry: excused Member Latkiewicz: present Member Toyofuku: present Secretary Tudela: present Vice Chair Burriss: present Chair Shiraishi: present Five members present, which constituted a quorum.
Approval of Minutes	<u>Open Session Minutes of November 20, 2020</u> Secretary Tudela corrected page 3, second paragraph from bottom of page, “Secretary Tudela asked Mr. Izumo asked Mr. Izumo...”, remove one. Page 4, third paragraph from bottom, second to the last sentence in paragraph, “electrics” should be “electronics”. Page 5 under action item #6, “Mr. Izumo will be recuse..”, remove “be”. Page 9, four lines from bottom, begins with “They”, should be “There”.	

	<p>Vice Chair Burriss corrected page 11, fourth paragraph, line two, “their” should be “there”. Page 12, third full paragraph, line three, “then approved” should be “then the Board would approve”. Page 12, fifth paragraph, “viewing” should be “view”.</p> <p>Chair Shiraishi corrected page 3, second to the last paragraph, “now” should be “not”. He is also going to “change” should be “train”. Page 8 last full paragraph, Mr. Fujimoto stated ...but because he went “to”... should be “through”.</p>	<p>Vice Chair Burriss moved to approve the minutes as amended. Secretary Tudela seconded.</p> <p>Voice Vote: 5 ayes, 0 nays</p> <p>Motion carried 5:0</p>
Public Testimony	None	No action.
Communication	None	No action.
Request for an Advisory Opinion	None	No action.
BUSINESS	<p><u>BOE 2020-34 Discussion and possible action regarding the adoption of the Charter Amendment on Disclosure Statements and next steps (Deferred 11/20/2020).</u></p> <p>Ms. Ching informed the Board that the certification of the ballot questions has been received and they can move forward with this item. She suggested starting with drafting the ordinance to adopt definition of regulatory employees.</p> <p>Chair Shiraishi asked the Board if they want to defer to next meeting.</p> <p>Board discussed deferring to January meeting with Ms. Ching and Mr. Foster to give Deputy County Attorney time to prepare.</p>	<p>Secretary Tudela moved to defer BOE 2020-34 to the next meeting. Member Toyofuku seconded.</p> <p>Voice Vote: 5 ayes, 0 nays</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>BOE 2020-35 Discussion and possible action regarding Advisory Opinion in response to RAO 2020-02.</u></p> <p>Board reviewed the opinion for Mr. Courson prepared by Mr. Foster.</p>	<p>No action.</p>
	<p><u>BOE 2020-36 Discussion and possible action regarding Advisory Opinion in response to RAO 2020-04.</u></p> <p>Board reviewed the opinion for Mr. Izumo prepared by Mr. Foster, noted correction made by Chair Shiraishi regarding purchases of less than or equal to \$1000 as previously discussed.</p>	<p>No action.</p>
	<p><u>BOE 2020-37 Discussion and possible action regarding Advisory Opinion in response to RAO 2020-05.</u></p> <p>Mr. Foster presented additional information he read in the Hawaii Administrative Rules regarding RME responsibilities of an entire company. He stated that a company may have more than one RME, and one is assigned as the principal RME, and other is subordinate RME. Mr. Fujimoto represented that the company has a C licensed RME and Mr. Fujimoto has an A and C license. He presumes that the company wants him for his A license. It would be possible that he is the subordinate RME and would be responsible for only the projects under his license.</p> <p>Chair Shiraishi asked for questions or need to go into Executive Session.</p> <p>Mr. Foster stated that there is no need to go into Executive Session.</p> <p>Vice Chair Burriss asked if the request should be revisited or is it still appropriate to have him on as a subordinate RME if he is employed as an RME and company is still accepting County contracts.</p> <p>Mr. Foster answered that if members' votes were contingent on him being the principal</p>	<p>No action.</p>

SUBJECT	DISCUSSION	ACTION
	<p>RME and having oversight over the whole company than they may want to revisit and ask him questions. If they have other reasons that outweigh this then there is nothing more to discuss with him.</p> <p>Board members discussed that though this is a consideration it does not change their votes. Member Toyofuku stated that for him it doesn't matter, for one he has both an A and C license. Board would need to assume that the entity would assign Mr. Fujimoto A as a subordinate, but what if the company gets a County contract involving an A license, then he would be the primary RME on that contract. Member Toyofuku recalled a former opinion that they approved with the condition of no contracts with the County of Kauai and then had to revoke because the company did get contracts. He also stated that DMK, the company Mr. Fujimoto would be employed by has current contracts with the County. If they go back and revisit they will revisit every detail on every aspect and every precedence set before. Secretary Tudela, Vice Chair Burriss and Member Latkiewicz all agreed with Member Toyofuku. Chair Shiraishi also agreed and stated it does not change his mind whether he is primary or subordinate RME.</p>	
	<p><u>BOE 2020-38 Review and possible approval of meeting schedule for 2021.</u></p> <p>Board reviewed calendar in the packet.</p>	<p>Vice Chair Burriss moved to approve the meeting schedule for 2021. Member Toyofuku seconded.</p> <p>Voice Vote: 5 ayes, 0 nays</p> <p>Motion carried 5:0</p>
	<p><u>BOE 2020-39 Election of Chair, Vice Chair and Secretary for Calendar Year 2021.</u></p> <p>Congratulations to Chair Elect Burriss, Vice Chair Elect Shiraishi and Secretary Elect Latkiewicz.</p>	<p>Member Toyofuku moved to nominate Sue Burriss for Chair, John Latkiewicz for Secretary and Mia Shiraishi for Vice Chair. Secretary Tudela seconded.</p> <p>Voice Vote: 5 ayes, 0 nays</p> <p>Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
Disclosures	None	No action.
	<p>Board discussed if there is a need for Charlie to attend executive session. He does not need to be present for approval of executive session minutes. Item to be discussed will be staffed by Special Counsel Nadine Ando. Mr. Foster will be available if needed.</p> <p style="text-align: center;"><i>Mr. Foster left the meeting at 1:50pm</i></p>	
Executive Session	<p><u>ES-033 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, 2020, 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-034: BOE 2020-33 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss and possibly make decisions regarding the resolution of Complaint No. 20-001 and other related matters.</u></p> <p style="text-align: center;"><i>The Board moved into Executive Session at 1:52 pm</i></p>	<p>Vice Chair Burriss moved to go into executive session at 1:52pm. Secretary Tudela seconded.</p> <p>Voice vote: 5 ayes, 0 nays</p> <p>Motion carried 5:0</p>
Return to Open Session		<p>The Board resumed in Open Session at 3:18 pm</p> <p>Roll call: Member Gentry: excused Member Latkiewicz: present Member Toyofuku: present Secretary Tudela: present Vice Chair Burriss: present Chair Shiraishi: present Five members present, which constituted a quorum.</p>

SUBJECT	DISCUSSION	ACTION
	Ratify on Board actions taken in Executive Session.	Vice Chair Burriss moved to ratify actions taken in Executive Session. Secretary Tudela seconded. Voice vote: 5 ayes, 0 nays Motion carried 5:0
Announcements	Next Meeting: Friday, January 15, 2021 at 1:00pm	
Adjournment		Without objection, the meeting adjourned at 3:19pm.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Susan Burriss, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 1/15/2021.