



COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 05/20/22.

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>April 8, 2022</b>
Location	Boards & Commissions Conference Room, Pi'ikoi Building	Start of Meeting: 1:05 p.m.	End of Meeting: 1:37 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.		
Excused	Secretary Ryan de la Pena		
Absent			
SUBJECT	DISCUSSION	ACTION	
	Member Rose Ramos Benzel was sworn into office prior to the meeting.		
<b>A. Call To Order</b> <b>B. Roll Call</b>		<p>Chair Gentry called the meeting to order at 1:05 p.m.</p> <p>Roll call:            Member Burriss: present            Member Ramos-Benzel: present            Member Toyofuku: present            Secretary de la Pena: excused            Vice Chair Latkiewicz: present            Chair Gentry: present            Five members present, which constituted a quorum.</p>	
<b>C. Approval of Agenda</b>	Chair Gentry entertained a motion to approve the agenda.		<p>Vice Chair Latkiewicz moved to accept the agenda as submitted.            Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
<b>D. Approval of Minutes</b>	<p><u>Open Session Minutes of March 18, 2022</u></p> <p>Chair Gentry entertained a motion to accept the minutes as presented.</p>	<p>Vice Chair Latkiewicz moved to accept the minutes as presented. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>
<b>E. Public Testimony</b>	<p><u>None</u></p>	
<b>F. Communication</b>	<p><u>BOE 2022-08 Possible conflict of interest dated March 23, 2022, from Council Chair Arryl Kaneshiro relating to Bill No. 2851, the Mayor's proposed Operating Budget for Fiscal Year 2022-2023 - appropriations for Kaua'i Soil Conservation.</u></p>	<p>Member Burriss moved to receive BOE 2022-08. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>
	<p><u>BOE 2022-09 Possible conflict of interest dated March 23, 2022, from Council Vice Chair Mason Chock relating to Bill No. 2851, the Mayor's proposed Operating Budget for Fiscal Year 2022-2023 - appropriation for Leadership Development &amp; Training.</u></p>	<p>Member Burriss moved to receive BOE 2022-09. Member Ramos-Benzel seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>
	<p><u>BOE 2022-10 Possible conflict of interest dated March 23, 2022, from Councilmember KipuKai Kuali'i relating to Bill No. 2851, the Mayor's proposed Operating Budget for Fiscal Year 2022-2023 - appropriation for Sexual Assault/Domestic Violence Community Program.</u></p>	<p>Member Burriss moved to receive BOE 2022-10. Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>
<b>G. Request for Advisory Opinion</b>	<p><u>None</u></p>	
<b>H. Business</b>	<p><u>None</u></p>	

SUBJECT	DISCUSSION	ACTION
<p><b>I. Disclosures</b></p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Mike Hubbard, Tax Manager</li> <li>2. Luke Evslin, Councilmember</li> <li>3. Wendy Takemoto, Procurement Specialist V</li> <li>4. Leo Sandoval-Reyes, Director of Liquor Control Department</li> <li>5. Tyler Saito, Deputy Prosecuting Attorney</li> <li>6. Jared Brickey, Deputy Prosecuting Attorney</li> <li>7. Rebecca Like, Prosecuting Attorney</li> <li>8. Matthew Arakawa, Deputy Prosecuting Attorney</li> <li>9. Henry Ross, Deputy Prosecuting Attorney</li> <li>10. Keola Siu, First Deputy Prosecuting Attorney</li> <li>11. Jennifer Winn, Deputy Prosecuting Attorney</li> <li>12. Robert Christensen, Deputy Prosecuting Attorney</li> <li>13. Todd Dickerson, Deputy Prosecuting Attorney</li> <li>14. Tracy Murakami, Deputy Prosecuting Attorney</li> <li>15. Troy Tanigawa, Acting County Engineer</li> <li>16. Taj Leone, Building Inspector</li> </ol> <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>17. Coty Trugillo, Charter Review Commissioner</li> <li>18. Jerry Nishihira, Board of Review Member</li> <li>19. Monica Belz, Police Commissioner</li> <li>20. Rose Ramos-Benzel, Board of Ethics Member</li> </ol> <p><u>Candidates:</u></p> <ol style="list-style-type: none"> <li>21. Nelson Mukai, County Council</li> <li>22. Clint Yago, County Council</li> </ol> <p>Administrator Ching stated that there are 22 disclosures and that the Board can take up 11 at a time.</p> <p>Chair Gentry entertained a motion to approve numbers 1-11.</p> <p>Administrator Ching suggested that they may want to start to see if anyone had any</p>	

SUBJECT	DISCUSSION	ACTION
	<p>issues with 1-11.</p> <p>Member Burriss stated that she had a couple of issues. For 10 &amp; 11 both disclosed income from stocks and dividends but did not specify source which could be a conflict.</p> <p>Administrator Ching suggested that they may want to start to see if anyone had any issues with 12-22, except 20 (Rose Ramos-Benzel).</p> <p>Member Burriss stated that number 18 she has the same questions regarding interest and dividends.</p> <p>Member Burriss questioned landlord under income for #21. She is assuming he is the landlord but questioned it. She would like it clarified that he is landlord and receiving rental income. After discussion the Board determined that he is receiving income as the landlord, and no further clarification needed. She went on to number 22 and stated that Mr. Yago did not put NA in several blanks and request that he do so.</p> <p>Member Toyofuku agreed that he did not answer questions for other sections as well</p> <p>Chair Gentry entertained a motion to accept numbers 12-17 and 19.</p> <p>Chair Gentry entertained a motion for numbers 18 and 22.</p> <p style="text-align: center;"><i>Member Ramos-Benzel recused herself from her disclosure #20.</i></p> <p>Member Burriss asked Member Ramos-Benzel regarding her independent contractor income and what she does and for whom.</p> <p>Member Ramos-Benzel stated that she recently was hired as an independent contractor to do work for the Kauai Chamber of Commerce.</p> <p>Member Burriss asked if Member Ramos-Benzel could amend her disclosure at the meeting.</p>	<p>Member Burriss moved to accept #1-9. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays        Motion carried 5:0</p> <p>Vice Chair Latkiewicz moved to send a letter to #10 and 11 for clarification on source of stocks, dividends, and interests disclosed under income. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays        Motion carried 5:0</p> <p>Vice Chair Latkiewicz moved to accept disclosures #12 - #17, #19, #21. Member Toyofuku seconded.</p> <p>Voice vote: 5 ayes, 0 nays        Motion carried 5:0</p> <p>Member Toyofuku moved to send a letter to #18 and #22 for clarifications. Member Ramos Benzel seconded.</p> <p>Voice vote: 5 ayes, 0 nays        Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney stated that it could be amended, and the Board could accept the disclosure as amended. He did point out that it would normally not be done this way, but it can be.</p> <p>Member Ramos-Benzel amended her employment and creditor sections as she forgot to include her mortgage.</p>	<p>Member Burriss moved to approve disclosures #20 as amended. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays            Motion carried 4:0</p>
<p><b>J. Executive Session</b></p>	<p><u>ES-005 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 March 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.</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>Vice Chair Latkiewicz moved to go into executive session at 1:20 pm. Member Ramos-Benzel seconded.</p> <p>Voice vote: 5 ayes, 0 nays            Motion carried 5:0</p>
<p><b>K. Return to Open Session</b></p>		<p>The Board resumed in Open Session at 1:34 p.m.</p>

SUBJECT	DISCUSSION	ACTION
	<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.  Voice Vote: 5 ayes, 0 nays. Motion carried 5:0
<b>L. Announcements</b>	Next Meeting: Friday, May 20, 2022, at 1:00pm  Administrator Ching stated that the Office is looking toward offering meetings both virtually as well as in-person, next month.  Staff discussed that there may need to be a change in the publication for the public hearing and decided that the May 20 meeting will be in-person due to public hearing. Board members agreed.  Vice Chair Latkiewicz stated that he will not be able to attend May 20 meeting.	
<b>M. Adjournment</b>		Chair Gentry adjourned the meeting at 1:37 p.m.

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist Kelly Gentry, Chair

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