



COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 06/17/2022.

Board/Commission:	BOARD OF ETHICS	Meeting Date	May 20, 2022
Location	Boards & Commissions Conference Room, Pi'ikoi Building	Start of Meeting: 1:06 p.m.	End of Meeting: 2:37 p.m.
Present	Secretary Ryan de la Pena. 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	Chair Kelly Gentry, Vice Chair John Latkiewicz.		
Absent			

SUBJECT	DISCUSSION	ACTION
A. Call To Order B. Roll Call	Chair Kelly Gentry and Vice Chair John Latkiewicz are excused from today's meeting and Secretary de la Pena called the meeting to order and called for nominations of a Chair Pro Tem for the meeting.	Secretary de la Pena called the meeting to order at 1:06 p.m. Member Burriss moved to nominate Secretary de la Pena Chair Pro Tem for today's meeting. Member Ramos-Benzel seconded. Motion carried 4:0 Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: excused Chair Gentry: excused Four members present, which constituted a quorum.

SUBJECT	DISCUSSION	ACTION
<p>C. Public Hearing</p>	<p><u>BOE 2022-11 The Kaua‘i County Board of Ethics (the “Board”) has proposed to amend Rule 3 of the Board’s Rules and Regulations to expand the categories of individuals required to file disclosures as well as to clarify that the disclosures of regulatory employees are not open for public inspection. (Published in The Garden Island 4/17/22)</u></p> <p>The Public Hearing opened at 1:09am by Secretary de la Pena. It was noted that there were no testimonies received by email, snail mail or phone, and no members of the public were present.</p> <p>Deputy County Attorney Aaron Larrimore gave an overview of the proposed changes to Rule 3 (Disclosures) to bring it in line with the County Charter and County Code (on file).</p> <p>The Public Hearing was closed at 1:13pm.</p>	<p>None</p>
<p>D. Approval of Agenda</p>	<p>Secretary de la Pena entertained a motion to approve the agenda.</p>	<p>Member Burriss moved to accept the agenda as submitted. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p>E. Approval of Minutes</p>	<p><u>Open Session Minutes of April 8, 2022</u></p> <p>Secretary de la Pena entertained a motion to accept the minutes as presented.</p>	<p>Member Toyofuku moved to accept the minutes as presented. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p>F. Public Testimony</p>	<p><u>None</u></p>	
<p>G. Communication</p>	<p><u>BOE 2022-12 Possible conflict of interest and recusal dated April 21, 2022, from Councilmember Luke A. Evslin on ES-1073, relating to an Executive Session Briefing and Request for Settlement Authority.</u></p>	<p>Member Burriss moved to receive BOE 2022-12 for the record. Member Toyofuku seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Voice vote: 4 ayes, 0 nays Motion carried 4:0
	<u>BOE 2022-13 Possible conflict of interest and recusal dated May 12, 2022, from Commissioner Jan TenBruggencate, Vice Chair Charter Review Commission, on CRC 2022-05, relating to a proposed charter amendment to remove Article XXX relating to the Electric Power Authority.</u>	Member Toyofuku moved to receive BOE 2022-13 for the record. Member Ramos-Benzel seconded. Voice vote: 4 ayes, 0 nays Motion carried 4:0
	<u>BOE 2022-14 Possible conflict of interest and recusal dated May 13, 2022, from Commissioner Francis DeGracia, Vice Chair Planning Commission, relating to application for CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) AND SPECIAL PERMIT (SP-2022-1).</u>	Member Toyofuku moved to receive BOE 2022-14 for the record. Member Ramos-Benzel seconded. Voice vote: 4 ayes, 0 nays Motion carried 4:0
H. Request for Advisory Opinion	<p><u>RAO 2022-01 Request for an Advisory Opinion from the Office of the Prosecuting Attorney received May 13, 2022, relating to an Outside Employment Request from Eric Bilcich to work as a Civil Process Server for No Ka Oi Process Serving which he owns.</u></p> <p>Member Burriss stated that she does not find any conflict in the request.</p> <p>Member Toyofuku asked Counsel for advice, stating that he does not know what it entails to be a server, but as he reads it, he is employed by Office of Prosecuting Attorney, and questioned if there would be a conflict, if he had to serve someone in the County,</p> <p>The Board continued a discussion of what the parameters of his job, and criminal vs. civil complaints. He is serving criminal complaints while working for County and is it okay for him to serve civil complaints on his off time.</p> <p>Administrator Ching shared a State Ethics Commission opinion on a case involving a State investigator working as a private investigator (on file).</p> <p>Deputy County Attorney suggested that if they jobs involved more than process serving than the Board needs to look into it a little more. He discussed with Board about how process servers may be used by the County and what situations may constitute a conflict.</p>	<p>Member Burriss moved to approve request as no conflict for purpose of discussion. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p> <p>Member Burriss withdrew her motion to approve request as no conflict for purpose of discussion. Member Toyofuku withdrew his second.</p> <p>Member Burriss moved to deny the request as presented with suggestion that if he wishes to reapply as to the scope of his clientele the Board will look at it again. Member Ramos-Benzel seconded.</p>

SUBJECT	DISCUSSION	ACTION
	<p>The Board discussed the need for more information.</p> <p>After motion made to deny, it was withdrawn noting that there was time to defer this item and request more information and the presence of the prosecutor at the next meeting.</p>	<p>Member Burriss withdrew her motion to deny the request as presented with suggestion that if he wishes to reapply as to the scope of his clientele the Board will look at it again. Member Ramos-Benzek withdrew her second.</p> <p>Member Toyofuku moved to defer RAO 2022-01 and request for more information and request the presence of the prosecutor. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
I. Business	<u>None</u>	
J. Disclosures	<p><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Patrick Henriques, Inspector, Planning Department 2. Stacy Iwasaki, Assistant Chief Liquor Inspector 3. Jennifer Winn, Deputy Prosecuting Attorney 4. Keola Siu, First Deputy Prosecuting Attorney <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 5. Howard Leslie, Salary Commission 6. Jerry Nishihira, Board of Review 7. Robin Pratt, Public Access, Open Spaces and Natural Resources Preservation Fund Commission <p><u>Candidates:</u></p> <ol style="list-style-type: none"> 8. Derek Kawakami, Mayor 9. Melvin Rapozo, County Council 	

SUBJECT	DISCUSSION	ACTION
	<p>10. Clint Yago, County Council 11. James Langtad, County Council</p> <p>Secretary de la Pena entertained a motion to accept numbers 1-11.</p>	<p>Member Toyofuku moved to accept #1-11. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p>K. Executive Session</p>	<p><u>ES-006 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 April 8, 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>Member Ramos-Benzel moved to go into executive session at 1:51 pm. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p>L. Return to Open Session</p>		<p>The Board resumed in Open Session at 2:37 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: 4 ayes, 0 nays. Motion carried 4:0
M. Announcements	Next Meeting: Friday, June 17, 2022, at 1:00pm	
N. Adjournment		Secretary de la Pena adjourned the meeting at 2:37 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Ryan de la Pena, Secretary

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