

**Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted 8/12/2022.

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>July 15, 2022</b>
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:01 p.m.	End of Meeting: 1:27 p.m.
Present	Chair Kelly Gentry, Secretary Ryan de la Pena. Members: Susan Burriss, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.		
Excused	Vice Chair John Latkiewicz, Rose Ramos-Benzel.		
Absent			
<b>SUBJECT</b>	<b>DISCUSSION</b>	<b>ACTION</b>	
<b>A. Call To Order</b> <b>B. Roll Call</b>		Chair Gentry called the meeting to order at 1:01 p.m.  Roll call: Member Burriss: present Member Ramos-Benzel: excused Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: excused Chair Gentry: present Four members present, which constituted a quorum.	

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<b>C. Approval of Agenda</b>	Chair Gentry asked if anyone wanted to testify on this item. Hearing none Chair Gentry entertained a motion to approve.	Secretary de la Pena moved to accept the agenda as submitted. Member Burriss seconded.  Voice vote: 4 ayes, 0 nays Motion carried 4:0
<b>D. Approval of Minutes</b>	Chair Gentry asked if anyone wanted to testify on this item. Hearing none Chair Gentry entertained a motion to approve.	Secretary de la Pena moved to accept the minutes of 6/17/22 as submitted. Member Burriss seconded.  Voice vote: 4 ayes, 0 nays Motion carried 4:0
<b>E. Public Testimony</b>	<u>None</u>	
<b>F. Communication</b>	<u>None</u>	
<b>G. Request for Advisory Opinion</b>	<u>None</u>	
<b>H. Business</b>	<p><u>BOE 2022-18 Discussion and possible action on report of 2022 candidate disclosure filings.</u></p> <p>Chair Gentry asked if anyone wanted to testify on this item. Hearing none, she asked for the report.</p> <p>Anela Segreti, staff, went over her report on candidate disclosures submitted to the Board as part of the agenda packet and noted that two candidates for mayor and ten candidates for council have not submitted disclosure forms.</p> <p>Board discussed that there is no penalty for not disclosing.</p> <p>Deputy County Attorney Larrimore suggested that a courtesy notice be sent to the</p>	<p>Member Burriss moved to have staff send a reminder email to candidates needing to file disclosures. Secretary de la Pena seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>

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	<p>candidates to remind them to file their disclosures.</p> <p>Ms. Segreti stated that she could email the candidates with a link to the online disclosure to complete.</p> <p>Chair Gentry entertained a motion to send the candidates a reminder email.</p> <p>Chair Gentry entertained a motion to accept the report.</p>	<p>Secretary de la Pena moved to accept the report. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays          Motion carried 4:0</p>
<p><b>I. Disclosures</b></p>	<p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>1. Gerald Matsunaga, Liquor Control Commission</li> <li>2. Tom Shigemoto, Board of Water Supply</li> <li>3. Lauren O’Leary, Civil Service Commission</li> <li>4. John Venardos, Salary Commission</li> </ol> <p><u>Candidates:</u></p> <ol style="list-style-type: none"> <li>5. Michael Roven Poai, Mayoral Candidate</li> <li>6. Bernard Carvalho, County Council Candidate</li> <li>7. Rachel Secretario, County Council Candidate</li> <li>8. Roy Saito, County Council Candidate</li> </ol> <p>Chair Gentry asked if anyone wanted to testify on this item.</p> <p>Member Burriss disclosed that she signed the nomination papers of one of the candidates that submitted a disclosure. She did not think about the fact that as a Board Member she is not allowed to campaign for a candidate, and she doesn’t perceive this as campaigning. She feels that if someone wants to run for office that’s fine and it doesn’t mean she is voting for them. She stated that she will recuse herself from the vote for that disclosure.</p> <p>Deputy County Attorney Larrimore stated that the Board needs to decide on that, if she wants an Advisory Opinion if that would be seen as using her position on the Board of Ethics helps someone is a violation.</p> <p>Member Burriss stated that at that point the candidate was not campaigning, and she does</p>	<p>Member Burriss moved to approve disclosures 1-6, and 8. Secretary de la Pena seconded.</p> <p>Voice vote: 4 ayes, 0 nays          Motion carried 4:0</p>

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	<p>not feel it was a violation of her duty as a member of the Board.</p> <p>Administrator Ching clarified that if she recuses herself from that candidate it can be deferred.</p> <p>Chair Gentry entertained a motion to approve disclosures #1-#6, and #8.</p> <p>Chair Gentry entertained a motion to defer #7.</p>	<p>Secretary de la Pena moved to defer #7. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays            Motion carried 4:0</p>
<p><b>J. Executive Session</b></p>	<p>Chair Gentry asked if anyone wanted to testify on any executive session item. Hearing none she asked Administrator Ching to read the Board into Executive Session.</p> <p><u>ES-008 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 June 17, 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 Burriss moved to go into executive session at 1:16 pm. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays            Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
<b>K. Return to Open Session</b>		The Board resumed in Open Session at 1:23 p.m.
	<u>Ratify on Board actions taken in Executive Session.</u>	Secretary de la Pena moved to ratify the actions taken by the Board in Executive Session. Member Burriss seconded.  Voice Vote: 4 ayes, 0 nays. Motion carried 4:0
<b>L. Announcements</b>	Next Meeting: Friday, August 19, 2022, at 1:00pm  Administrator Ching reported that there are changes in law that require that testimony being asked before every agenda item. She also shared that “hybrid” meetings will be able to be held.	Board corrected date of next meeting to August 12, 2022 due to holiday on August 19, 2022.
<b>M. Adjournment</b>		Chair Gentry adjourned the meeting at 1:27 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 \_\_\_\_\_