

Mia Shiraishi
Chair

Susan Burriss
Vice Chair

Mary Tudela
Secretary

Members:
Ryan de la Pena
Maureen Tabura
Dean Toyofuku
John Latkiewicz

**COUNTY OF KAUA'I BOARD OF ETHICS
NOTICE OF MEETING AND AGENDA**

Friday, March 20, 2020
1:00 p.m. or shortly thereafter
Mo'ikeha Building, Liquor Conference Room 3
4444 Rice Street, Līhu'e, HI 96766

CALL TO ORDER

APPROVAL OF MINUTES

Open Session Minutes of February 21, 2020

COMMUNICATION

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.

BOE 2020-11

Letter from Matthew Bracken, County Attorney, dated 3/12/2020 regarding Board of Ethics Impeachment Power.

BOE 2020-08

Email from Madison Perry dated 2/27/2020 regarding recommendation to remove Councilmember Brun.

REQUEST FOR AN ADVISORY OPINION

None

BUSINESS

BOE 2020-12

Discussion and possible action regarding issuing a statement regarding Councilmember Brun.

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.

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.

DISCLOSURES

Employees:

1. Ernest Barreira, Assistant Chief Procurement Officer
2. Michelle Lizama, Deputy Director of Finance
3. Todd Raybuck, Police Chief

Volunteers:

4. Jan TenBruggencate, Charter Review Commission
5. Carolyn Larson, Kaua'i, Historic Preservation Commission

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), §92-6 (a) (b), the purpose of this Executive Session is to consult with the Board's legal counsel on issues pertaining to Resolution 2019-1 to consider the evaluation, dismissal or discipline of an employee or officer of the County in which charges have been alleged against an employee or officer where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held; the Board's and the County's powers, duties, privileges, immunities, and /or liabilities as they may relate to this item, deliberate and take such action as appropriate.

ES-014

Executive Session Minutes of February 21, 2020

ES-016: BOE 2020-13

Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) the Board requests an Executive Session with the Office of the County Attorney to consider questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities as it relates to Councilmember Arthur Brun.

ES-015: BOE 2020-09

Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 20.05(B), the Office of the County Attorney, requests an Executive Session with the Board, to provide the Board with examples of code amendments providing for fines for failure to file disclosure statements. This briefing and consultation involves providing legal advice and discussion on the amendments and documents as they relate to this agenda item.

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.

No officer or employee of the county shall:

- 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.
- b. Use county property for other than public activity or purpose.

RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS

Next Meeting: Friday, April 17, 2020 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room 3

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Office of the County Attorney

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24 hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.

4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Board of Ethics

Office of Boards & Commissions

4444 Rice Street, Suite 150

Līhu‘e, HI 96766

Phone: (808) 241-4917 Fax: (808) 241-5127

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

Draft to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	February 21, 2020
Location	Mo‘ikeha Building, Liquor Conference Room 3	Start of Meeting: 1:00 p.m.	End of Meeting: 4:10 p.m.
Present	Chair Mia Shiraishi, Vice Chair Susan Burriss, Secretary Mary Tudela. Members: Ryan de la Pena, John Latkiewicz, Maureen Tabura, Dean Toyofuku. Also: Deputy County Attorneys Todd Jenson, Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti, Malialani Marrotte Clerical Assistant. Testifier: Ken Taylor		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
	Prior to the start of the meeting, Eddie Topenio gave the Oath of Office to new Board Member John Latkiewicz.		
Call To Order		Chair Shiraishi called the meeting to order at 1:00 p.m. with seven members present, which constituted a quorum.	
Approval of Minutes	<u>Open Session Minutes of January 17, 2020</u> Ms. Burriss corrected typos to add second “s” to Burriss throughout the minutes.	Mr. de la Pena moved to approve the minutes of January 17, 2020 as amended. Mr. Toyofuku seconded. Motion carried 7:0.	

Communication	<p><u>BOE 2020-03 Letter from County Clerk, Jade Fountain-Tanigawa, dated January 31, 2020 regarding the 2019 County of Kaua'i Lobbyist Registration.</u></p> <p>Chair Shiraishi asked if there was any testimony on this item.</p> <p>Ken Taylor, testifier, approached but did not give testimony on this item.</p> <p>Ms. Tudela asked why David Arakawa is allowed to continue as a Lobbyist when he has not submitted his 2018 Lobbyist Contributions & Expenditures Statement and does the Board have any jurisdiction.</p> <p>Ellen Ching, Administrator of Boards & Commissions, responded that she passed out the portion of the ordinance on penalties and administrative fines (on file) and paraphrased #3 saying that the Board of Ethics may impose a fine not to exceed \$1,000 for each violation of the lobbyist registration, and they may also suspend or revoke the registration of a lobbyist who is found to have violated any provision of the article and that the suspension or revocation shall not exceed two years from the date of the imposition of said sanction. She then directed them to b, no fine, suspension or revocation shall be assessed unless the Board of Ethics convenes a hearing in accordance with Section 3-6.8(b)(3) and Chapter 91. She continued to explain that her understanding is that the lobbyist must register if they are no longer lobbying. She does not know what the status of this individual is.</p> <p>Ms. Tudela suggested that the Board follow up, through the Administrator's office, with Mr. Arakawa and the Office of the County Clerk.</p> <p>Todd Jenson, Deputy County Attorney, suggested that they discuss it more in executive session since the question was raised and he can provide consultation.</p>	<p>Mr. de la Pena moved to receive BOE 2020-03. Mr. Toyofuku seconded. Motion carried 6:0</p>
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SUBJECT	DISCUSSION	ACTION
	<p><u>BOE 2020-04 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> <p>Ken Taylor testified that the issue he inquired about had not been addressed by the letter from the County Attorney. He stated that the first issue that must be addressed is what if any interest does Mayor Kawakami have in the properties that were up zoned by Bill No. 2745 He stated that that question was not answered, and that the letter from County Attorney Bracken said that the Mayor does not have a direct interest, and he believed that this was a legal conclusion that only the Board of Ethics or the Court could make after they have reviewed the exact nature of the Mayor's interest. He continued to state that the Mayor is obligated to disclose to the Board and the public any interest direct or indirect that he may have. He gave an example of does the Mayor own shares in or is he an officer of a corporation that owns property that is enhanced by Bill No. 2745? He feels that a clear answer should come from the Mayor to this and other similar questions, and only then, can there be a determination of conflict. He went on to state that he is also concerned that there is an issue of whether the County Attorney can represent Mayor Kawakami in a personal capacity since he thinks, but he is not sure, that the matter is personal. He hopes that the Board will continue asking the questions and ask the Mayor directly does he or does he not own or own interest in any of the properties affected by Bill 2745 and then they can make a decision on whether there is a conflict.</p> <p>Chair Shiraishi entertained a motion to receive communication BOE 2020-04.</p>	<p>Ms. Burriss moved to receive BOE 2020-04. Ms. Tudela seconded. Motion carried 7:0</p>
<p>Request for an Advisory Opinion</p>	<p>None</p>	

SUBJECT	DISCUSSION	ACTION
<p>Business</p>	<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>Chair Shiraishi shared some background on this item. She explained that there is a requirement to have disclosure statements completed by County employees and members of boards and commissions to complete but no explicit fine schedule for failure to complete and submit them timely. So the Board is working on a fine schedule.</p> <p>Todd Jenson, Deputy County Attorney, explained that there are materials on rule making in the executive session packet, and will discuss during the executive session.</p>	<p>Mr. de la Pena moved to defer BOE 2018-17. Ms. Tabura seconded. Motion carried 7:0</p>
	<p><u>BOE 2019-22 Discussion and possible action by the Board to provide notice to County employees regarding ethics requirements for former employees.</u></p> <p>Ellen Ching, Administrator, requested a motion to defer.</p>	<p>Ms. Tudela moved to defer BOE 2019-22. Mr. de la Pena seconded. Motion carried 7:0</p>
	<p><u>BOE 2019-33 Discussion and possible action by the Board of Ethics to provide ethics training for County employees.</u></p> <p>Ms. Ching requested a motion to defer.</p>	<p>Mr. de la Pena moved to defer BOE 2019-33. Ms. Tudela seconded. Motion carried 7:0</p>
	<p><u>BOE 2019-29 Update on presentation to the Charter Review Commission meeting on the proposed language to Amend Charter Section 20.04 A. Disclosure.</u></p> <p>Chair Shiraishi shared that she and Mr. Toyofuku attended the Charter Review Commission meeting and in the end they did approve the proposed amendment subject to a correction. The Charter Review Commission made a change in the phrase, “Heads and Deputies” by putting it in front of “all departments”. She further shared that they did have questions regarding regulatory employees, but is willing to consider putting this</p>	<p>No action.</p>

SUBJECT	DISCUSSION	ACTION
	<p>amendment on the ballot, and if it should pass then the Board would later do an ordinance explaining a regulatory employee.</p> <p>Ms. Ching clarified the process for the Charter Review Commission. She explained that the Commission has referred this proposal to the County Attorney’s Office and when they get all of the proposals back they will be looking at each one and ultimately decide which will be put on the ballot.</p>	
	<p><u>BOE 2019-31 Update on presentation to the Charter Review Commission meeting on the proposed language to amend Charter 20.05.D.2.</u></p> <p>Chair Shiraishi shared that in the same Charter Review Commission meeting, this proposal was discussed and in the end, they said okay, and it will go through the same process. They did not change any of the wording, however she sensed that they were not feeling this one as much as the other. She stated that Nick Courson, First Deputy County Attorney, said that something like this had come up before years ago, and that it did not pass. She is not sure if it was exactly the same or similar.</p> <p>Ms. Ching shared that her understanding is that the previous ballot question was to extend it to 45 days from the 30 days. She stated that the Commission was concerned about due process and not having people wait an extended period of time, but even with the concerns they decided to move it forward.</p> <p>Chair Shiraishi stated that she and Mr. Toyofuku did assure them that even though the 45-day deadline removed the Board would definitely get to every request for an advisory opinion. She hoped that allayed their concerns.</p> <p>Mr. Toyofuku added that they were more focused on the 45-day due process than the Boards concern that if they do not act it has deemed no conflict. He stated that they tried to emphasize the no conflict and that the Board will act within a reasonable manner if someone sends a communication saying urgent or that it is needed within a specific time-period, acknowledging that special meetings could be held.</p> <p>Ms. Shiraishi shared that the Commission asked if an opinion was deemed okay because of no action could the Board later revoke that opinion and issue a new one. In theory, they could. She then went on to share with new member, Mr. Latkiewicz, about the first</p>	<p>No action.</p>

SUBJECT	DISCUSSION	ACTION
	<p>State Ethics Conference that she and Mr. Toyofuku attended, and how the Board came to propose amendments to the Charter.</p>	
	<p><u>BOE 2020-02 Permitted Interaction Group recommendations on an ordinance to require annual gift disclosures.</u></p> <p>Mr. Toyofuku gave update on the meeting of the Permitted Interaction Group (PIG). He shared that they met with County Clerk Jade Tanigawa and asked her assistance in drafting the ordinance. They reviewed everything, other counties and state. They liked Hawaii Island's and came up with a \$25 value and anything over. He stated that Ms. Tanigawa shared her experience with other ordinances, and she will draft the ordinance and they will review at next PIG meeting.</p> <p>Ms. Shiraishi shared with Mr. Latkiewicz the background that at the State Conference they became aware that the other counties had an ordinance on gift disclosure requirement and Board is looking at establishing this through an ordinance for Kaua'i County.</p>	<p>No action.</p>
<p>Disclosures</p>	<p style="text-align: center;"><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Teresa Tumbaga, Deputy County Attorney 2. Ernest Barreira, Assistant Chief Procurement Officer 3. Michelle Lizama, Deputy Director of Finance 4. Jenna Tatsey, Deputy County Attorney 5. Arthur Brun, Councilmember 6. Felicia Cowden, Councilmember 7. Todd Raybuck, Police Chief 8. Todd Jenson, Deputy County Attorney <p>Chair Shiraishi stated the #2-Ernest Barreira, #3-Michelle Lizama, and #7-Todd Raybuck did not disclose the source of the income disclosed. #5-Arthur Brun, listed an employer other than County employment as Ata's Smoked Meat, but did not disclose income for that employment, and if there is no income that needs to disclosed.</p>	<p>Mr. Toyofuku moved to receive and approve disclosures of Employees 1, 4, 6, 8. Mr. de la Pena seconded. Motion carried 7:0.</p> <p>Ms. Tabura moved to return disclosures to Employees 2, 3, 5, 7 for the reasons stated. Mr. de la Pena seconded. Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
	<p style="text-align: center;"><u>Volunteers:</u></p> <ol style="list-style-type: none"> 9. Elizabeth Hahn, Civil Service Commission 10. Jan TenBruggencate, Charter Review Commission 11. Lori Otsuka, Planning Commission 12. Patrick Ono, Salary Commission 13. Randall Nishimura, Liquor Control Commission 14. John Latkiewicz, Board of Ethics 15. Carolyn Larson, Kaua'i, Historic Preservation Commission 16. Melvin Chiba, Planning Commission <p>Chair Shiraishi stated that Volunteer #9-Elizabeth Hahn disclosed employment as Independent Consultant but did not describe what type of business it is and does not indicate the source of the consultant income. Board discussed that they would like to know what field she is consulting. Volunteer #10-Jan TenBruggencate, Volunteer #15-Carolyn Larson, and Volunteer #16-Melvin Chiba did not disclose company for stocks and bonds and interests on savings. Board discussed that a company needs to be listed, not each individual stock and bonds, i.e. the brokerage firm or financial institution would be acceptable.</p>	<p>Ms. Toyofuku moved to receive and approve disclosures of Volunteers 11, 12, 13. Ms. Tudela seconded. Motion carried 7:0</p> <p>Ms. Toyofuku moved to receive and approve disclosure of Volunteer 14. Ms. Tudela seconded. Mr. Latkiewicz recused himself. Motion carried 6:0</p> <p>Ms. Tudela moved to return for disclosures of Volunteers 9, 10, 15, 16 for the stated reasons. Mr. de la Pena seconded. Motion carried 7:0</p>
Executive Session	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), §92-6 (a) (b), the purpose of this Executive Session is to consult with the Board's legal counsel on issues pertaining to Resolution 2019-1 to consider the evaluation, dismissal or discipline of an	

SUBJECT	DISCUSSION	ACTION
	The Board moved into Executive Session at 2:15pm.	
Return to Open Session	Ratify Board actions taken in Executive Session.	The board resumed in Open Session at 4:10pm Ms. Tabura moved to ratify decisions made in Executive Session. Mr. de la Pena seconded. Motion carried 7:0
Announcements	Next Meeting: Friday, March 20, 2020 – 1:00 p.m., Mo‘ikeha Building, Liquor Conference Room 3.	
Adjournment		Ms. Tudela moved to adjourn the meeting, Mr. de la Pena seconded. Motion carried 7:0 Chair Shiraishi adjourned the meeting at 4:10pm

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

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

From:
Ken Taylor
1720 – A Makaleha Pl.
Kapaa, 96746

February 2020

Board of Ethics

1. The issue I have inquired about has not been addressed by County Attorney Bracken's letter. The first issue that must be addressed is what, if any, interest does Mayor Kawakami have in the properties that were essentially up-zoned by Bill 2745. That question has not yet been answered. County Attorney Bracken's letter says that Mayor Kawakami does not have a "direct interest." That is a legal conclusion that really only you, the Ethics Board, or the courts can make after you have reviewed the exact nature of the Mayor's interest. The Mayor is obligated to disclose to you and the public any interest, direct or indirect, that he may have. For example, does the Mayor own shares in, or is he an officer of, a corporation that owns property affected and enhanced by Bill 2745. You should get a clear yes or no answer from him to that question and other similar questions. Only then can you determine whether there is a conflict of interest.

2. Also, there is an issue as to whether Matthew Bracken, the County Attorney, can represent Mayor Kawakami in his personal capacity since I think, but am not sure, that the matter is a personal one. It would be like the Attorney General of the United States representing the President of the United States in a personal matter.

Thank You
Ken Taylor

BOE 2020-07



OFFICE OF THE COUNTY ATTORNEY
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

MATTHEW M. BRACKEN
COUNTY ATTORNEY

NICHOLAS R. COURSON
FIRST DEPUTY

March 12, 2020

Mia Shiraishi, Chair
Board of Ethics
c/o Ellen Ching, Boards and Commissions Administrator
4444 Rice Street, Suite 150
Lihu'e, Hawai'i 96766

RE: Board of Ethics Impeachment Power

Dear Ms. Shiraishi,

The County of Kaua'i Board of Ethics impeachment authority is limited to violations of the code of ethics. The Constitution and the Charter limit the Board of Ethics' power. The Constitution requires the County to "adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision." Haw. Const. art. XIV. It further states that the "code of ethics shall be administered by a separate ethics commission." Id. The County Charter section 20.05 authorizes the Board of Ethics to "[t]o initiate, receive, hear, and investigate complaints of **violations of the code of ethics.**" The Board of Ethics "may also, on its own, file impeachment proceedings in the circuit court." Id.

The Board of Ethics' responsibilities are limited to violations of the Code of Ethics as found in the Kaua'i County Code section 3-1. Furthermore, The Rules of the Board of Ethics clearly outline duties and responsibilities as "the administration of the Code of Ethics." The Board of Ethics may only pursue impeachment for ethical violations.

Please contact me if you have any questions or concerns.

Sincerely,

Matthew M. Bracken
County Attorney

BOE 2020-11



From: [Ellen Ching](#)
To: [Anela Segreti](#)
Subject: FW: Letter to recommend removal of council member Brun
Date: Friday, February 28, 2020 8:08:28 AM

fyi

-----Original Message-----

From: madison perry <madituperry@hotmail.com>
Sent: Thursday, February 27, 2020 9:32 PM
To: Ellen Ching <eching@kauai.gov>
Subject: Letter to recommend removal of council member Brun

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Chair Shiraishi & Members of the Ethics Board,

I am reaching out in regards to the recent events involving Council member Brun.

Beyond what the courts will decide, I am requesting the Board of Ethics take immediate action on behalf of the County of Kaua'i and its voters, by examining the recent charges and arrest of Mr. Brun. Most importantly, as stated in section 23.13 impeachment of officers. "Any officer appointed or elected may be impeached for malfeasance (regarded as the most severe amongst the three) misfeasance, or nonfeasance in office". Without question, Mr. Brun is guilty of malfeasance, the wrong doing of an elected official.

Today's arrest and charges are a result of mounting issues stemming back to the 2019 violation when he struck a Police Officer with his car, and just a few weeks ago, another car accident where Mr. Brun crossed the centerline injuring an adult and child. I understand there is a court date set for March regarding the October incident, however, I believe it is vital the Ethics board begin its investigation congruent with the court hearing.

Kaua'i is my home, and has been my home since the day I was born. I've never felt compelled to reach out to governing boards, but today was different. I can not, and will not, sit on the sidelines while we, parents, community members & volunteers do our diligence to keep our Kaua'i safe and secure. These same values should go without question for those elected to lead our Kaua'i and our future. Which frankly, based on the actions of Mr. Brun, he does not share the same values, ethics or vision for our Kaua'i and her people.

Respectfully,
Madison Perry

Sent from my iPhone

Draft Statement for Board Consideration:

The Office of Boards and Commissions has received inquiries following the arrests of Councilmember Arthur Brun. Some have asked why the Board of Ethics of the County of Kauai has not taken any action to investigate Councilmember Brun and attempted to remove him from public office.

After consulting with the Office of the County Attorney, it is our understanding the Board of Ethics' duties are limited to initiating, receiving, hearing or investigating complaints of violations of the Code of Ethics as defined in the County Charter and the County Code of Ordinances.

While the Board is vested with the power to file impeachment proceedings, it may only do so for violations of the Code of Ethics.

As such, the Board of Ethics does not have the jurisdiction or the legal authority to initiate any investigations or proceedings against Councilmember Brun.

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

January 31, 2020

Mia Shiraishi, Chair
and Members of the Board of Ethics
c/o Office of Boards & Commissions
4444 Rice Street, Suite 150
Lihu'e, Hawai'i 96766

Dear Chair Shiraishi and Members of the Board of Ethics:

RE: 2019 COUNTY OF KAUA'I LOBBYIST REGISTRATION

Ordinance No. 999, Relating to the Registration of Lobbyists was adopted by the Council of the County of Kaua'i on second and final reading on March 23, 2016 and approved by the Mayor on March 30, 2016. Pursuant to Ordinance No. 999, all lobbyists must file a Lobbyist Registration Statement with the Office of the County Clerk, as early as possible, but no later than five (5) days after engaging in lobbying. Lobbyists must also file a Lobbyist Contributions & Expenditures Statement on or before January 31st of each year, which shall cover the period from January 1st through December 31st of the previous year.

This letter is to notify you that as of December 31, 2019, the following lobbyists have submitted their Lobbyist Registration Statement and remain active:

1. ARAKAWA, David (Land Use Research Foundation of Hawai'i)
2. BELLES, Michael J. (Hawai'i Electrician's Market Enhancement Program)
3. BELLES, Michael J. (Island School)
4. BELLES, Michael J. (PRW Princeville Development Company LLC)
5. BELLES, Michael J. (CIRI Land Development Company)
6. BRODY, Bev (Get Fit Kaua'i / Hawai'i Public Health Institute)
7. BUKOSKI, Kika G. (Plumber and Fitters UA Local 675)
8. CLAY, Murray Richard (Ulupono Initiative)
9. COOKE, Jesse K. (Ulupono Initiative)
10. DELAUNAY, Christopher M. (Pacific Resource Partnership)
11. FREDERICK, Anne C. (Hawai'i Alliance for Progressive Action (H.A.P.A.))
12. GAUG, Kevan Greg (Ulupono Initiative)
13. GOLD, Joy (KYD, Inc.)

Mia Shiraishi, Chair
and Members of the Board of Ethics
Re: 2019 County of Kaua'i Lobbyist Registration
January 31, 2020
Page 2

14. GRAHAM JR., Max W.J. (Lorence H. Leight and Brit Momaday-Leight, Trustees)
15. GRAHAM JR., Max W.J. (PRW Princeville Development Company LLC)
16. HENNESSEY, Amy Melinda (Ulupono Initiative)
17. HOLLAND, Fern Anuenue (Hawai'i Alliance for Progressive Action (H.A.P.A.))
18. JUNG, Ian Kawika (Hawai'i Electrician's Market Enhancement Program)
19. JUNG, Ian Kawika (PRW Princeville Development Company LLC)
20. KINNEY, Nathaniel Keoki (Hawai'i Construction Alliance)
21. KOBAYASHI, Ryan (Hawai'i Laborers' Union)
22. MIDDLEBROOK, Matthew (Airbnb, Inc.)
23. PERRIELLO, Mark L. (Kaua'i Chamber of Commerce)
24. PRATT, David W. (Island School)
25. RIETOW, Allan S. (The Nature Conservancy)
26. ROONEY, Kathleen King (Ulupono Initiative)
27. SAIKI, Valerie Kei (Hawai'i Public Health Institute)
28. SHIGEMOTO, Tom H. (Alexander and Baldwin, Inc.)
29. SOQUENO, Eugene Paul (Hawai'i Building & Construction Trades Council)
30. THONGSAVAT, Adam (Airbnb, Inc.)
31. TOKIOKA, Beth (Kaua'i Island Utility Cooperative)
32. YAMANE, Michael (Kaua'i Island Utility Cooperative)

As of the date of this letter, the following lobbyist has **not** submitted their 2018 Lobbyist Contributions & Expenditures Statement:

1. ARAKAWA, David (Land Use Research Foundation of Hawai'i)

As of the date of this letter, the following lobbyists have **not** submitted their 2019 Lobbyist Contributions & Expenditures Statement:

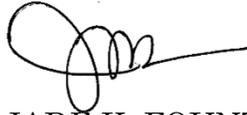
1. ARAKAWA, David (Land Use Research Foundation of Hawai'i)
2. RIETOW, Allan S. (The Nature Conservancy)

All Statements are considered public record and are posted on the Council's website at www.kauai.gov/Council/LobbyistRegistration.

Mia Shiraishi, Chair
and Members of the Board of Ethics
Re: 2019 County of Kaua'i Lobbyist Registration
January 31, 2020
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Should you have any questions, please feel free to contact the Office of the County Clerk, Council Services Division at 241-4188.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

cc: Ellen Ching, Boards & Commissions Administrator