

Mia Shiraishi
Chair

Susan Burriss
Vice Chair

Mary Tudela
Secretary

Members:
John Latkiewicz
Dean Toyofuku

**COUNTY OF KAUA'I BOARD OF ETHICS
NOTICE OF TELECONFERENCE AND AGENDA**
Tuesday, June 16, 2020
1:00 p.m. or shortly thereafter

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 845 497 17#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Open Session Minutes of May 19, 2020

TESTIMONY

COMMUNICATION None

REQUEST FOR AN ADVISORY OPINION

None

BUSINESS

BOE 2020-18 Update on statement regarding Councilmember Brun.

DISCLOSURES

Employees:

1. Michelle Lizama, Deputy Director of Finance
2. Teresa Tumbaga, Deputy County Attorney
3. Todd Raybuck, Chief of Police

Volunteers:

4. Dee Crowell, Liquor Control Commission
5. Laurie Yoshida, Salary Commission

Candidates:

6. Edgar Justus IV, Candidate for County Council
7. Clint Yago, Candidate for County Council
8. Wally Nishimura, Candidate for County Council
9. Billy DeCosta, Candidate for County Council
10. Rory Parker, Candidate for County Council
11. Jade Battad, Candidate for County Council

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-018 Executive Session Minutes of May 19, 2020

ES-022: BOE 2020-19 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 rescheduling of the informal hearing regarding Complaint 20-001 and other related matters where consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item.

RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS

Next Meeting: Tuesday, July 21, 2020 – 1:00 p.m., Teleconference

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

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at asegret@kauai.gov; or by calling 808-241-4917.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed: asegreti@kauai.gov faxed: 808-241-5127, or mailed: County of Kauai, Office of Boards and Commissions, Board of Ethics, 4444 Rice St., Ste. 300, Lihue, HI 96766.

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.

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:		BOARD OF ETHICS	Meeting Date	May 19, 2020
Location	Teleconference		Start of Meeting: 1:06 p.m.	End of Meeting: 4:23 p.m.
Present	Chair Mia Shiraishi, Vice Chair Susan Burriss, Secretary Mary Tudela. Members: John Latkiewicz, Dean Toyofuku. Also: Deputy County Attorneys Todd Jenson, Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Shiraishi called the meeting to order at 1:06 p.m. Roll call: 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	<p><u>Open Session Minutes of April 17, 2020</u></p> <p>Vice Chair asked for clarification as to why Jan TenBruggencate disclosure is appearing in this months agenda as he was approved previously. Noted that he had a change and submitted an updated disclosure.</p> <p>Secretary Tudela noted that location of meeting should be changed to teleconference.</p>			<p>Member Latkiewicz moved to approve the minutes of April 17, 2020 as amended. Member Toyofuku seconded.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
Testimony	A member of the public called in and did not identify self or register to provide testimony.	Caller was removed from meeting and attempts were made to reconnect individual. Once contacted individual was no longer available to join meeting as something had come up.
Communication	<u>BOE 2020-14 Lobbyist statement from Allan Rietow dated 4/20/2020.</u>	Secretary Tudela moved to receive BOE 2020-14 for the record. Member Toyofuku seconded. Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0
Request for an Advisory Opinion	None	
Business	<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> Chair Shiraishi thanked the Deputy County Attorneys for their work on this item. stated that she preferred deferring this item until Board could meet in person.	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair agreed that item be deferred stating that it shouldn't be rushed.</p> <p>Member Toyofuku and Secretary Tudela also agreed.</p> <p>Todd Jenson, Deputy County Attorney stated that it was fine to defer.</p> <p>Ellen Ching, Boards and Commissions Administrator, informed the Board that the Charter Commission met on the proposed amendment regarding including regulatory employees filing disclosures has been approved to go on the ballot.</p> <p>Chair Shiraishi asked if a meeting was needed to define a regulatory employee.</p> <p>Board discussed whether deferring this item will affect the ballot proposal as to defining regulatory employees, and if this is needed now. It was decided that it would not and definition would come later once election results are certified.</p>	<p>Vice Chair Burriss moved to defer BOE 2018-17. Secretary Tudela seconded.</p> <p>Vice Chair Burriss amended motion to defer BOE 2018-17 until the Board can meet in person. Secretary Tudela seconded the amended motion.</p> <p>Vice Chair Burriss amended motion to defer BOE 2018-17 until the Board can meet in person or until election results are certified, whichever occurs first. Secretary Tudela seconded the amended motion.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>
<p>Disclosures</p>	<p><u>Employees:</u> 1. Adam Roversi, Housing Director</p> <p>Vice Chair Burriss stated that he did not include greater than sign before \$100,000.00 for salary, but he could make exactly \$100,000 annually.</p> <p>Ms. Ching stated that she believes per the Salary Resolution the salary for the Housing Director is more than \$100,000.00</p>	<p>Secretary Tudela moved to approve the disclosure of Adam Roversi. Vice Chair Burriss seconded.</p> <p>Secretary Tudela amended motion moved to send a letter to Adam Roversi to clarify his salary. Vice Chair Burriss seconded the amended motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p style="text-align: center;">3. Jan TenBruggencate, Charter Review Commission</p> <p>Secretary Tudela expressed concern on type of consulting is provided by company, Island Strategy, and possible conflicts.</p> <p>Board discussed the vagueness of consulting agencies and thoughts that Mr. TenBruggencate would request an advisory opinion if a possible conflict arose, and they should get clarification for consistency.</p> <p>Ms. Ching explained that he will be doing with the County and that it would be good for the Board to request clarification.</p>	<p>Vice Chair Burriss moved to accept the disclosure of Mr. TenBruggencate. Member Toyofuku seconded.</p> <p>Vice Chair Burriss withdrew her motion.</p> <p>Vice Chair Burriss moved to have Counsel write letter on the Boards behalf to Jan TenBruggencate regarding the clarification on the scope of work. Member Toyofuku seconded.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>92-5(a)(4) the Board requests an Executive Session with Special Counsel to discuss complaint process.</p> <p>The Chair entertained a motion to move into Executive Session.</p> <p style="text-align: center;">The Board moved into Executive Session at 2:32pm.</p>	<p>Member Toyofuku moved to go into executive session. Vice Chair Burriss seconded.</p> <p>Voice vote 5 ayes, 0 nays.</p> <p>Motion carried 5:0</p>
<p>Return to Open Session</p>	<p>Ratify Board actions taken in Executive Session.</p>	<p>The board resumed in Open Session at 4:20pm</p> <p>Roll call: Member Latkiewicz: present, Member Toyofuku: present Secretary Tudela: present Vice Chair Burriss: present Chair Shiraishi: present</p> <p>Secretary Tudela moved to ratify decisions made in Executive Session. Vice Chair Burriss seconded.</p> <p>Voice vote 5 ayes, 0 nays.</p> <p>Motion carried 5:0</p>
<p>Announcements</p>	<p>Next Meeting: Tuesday, June 16, 2020 – 1:00p.m., Teleconference</p> <p>Secretary Tudela has a conflict with date and time, and questioned confidence of teleconference. Confirmed meeting will be by teleconference.</p>	

SUBJECT	DISCUSSION	ACTION
Adjournment		Without objections Chair Shiraishi adjourned the meeting at 4:23pm

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

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



OFFICE OF BOARDS & COMMISSIONS
OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ELLEN CHING
ADMINISTRATOR

MEMORANDUM

Date: April 30, 2020

To: Whom It May Concern

From: Mia Shiraishi, Chair and Members of the Board of Ethics

Re: **BOARD OF ETHICS STATEMENT ON COUNCILMEMBER ARTHUR BRUN**

The Office of Boards and Commissions has received inquiries following the arrests of Councilman Arthur Brun involving criminal charges for alleged violations of both Federal and State laws. Some have asked why the Board of Ethics of the County of Kauai has not taken any action to investigate Councilman Brun and attempt 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.

For more detailed information you may refer to the document titled "A guide to Ethical Issues in the Kauai County Government" which can be found at Kauai.gov/Board of Ethics webpage.

