



## BOARD OF ETHICS

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**SUSAN BURRISS**, CHAIR  
**MIA SHIRAIISHI**, VICE CHAIR  
**JOHN LATKIEWICZ**, SECRETARY

**RYAN de la PENA**, MEMBER  
**KELLY GENTRY**, MEMBER  
**DEAN TOYOFUKU**, MEMBER

### REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, June 18, 2021  
1:00 p.m. or shortly thereafter

**Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 41360321#**

**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, 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 21, 2021

#### PUBLIC TESTIMONY

None

#### COMMUNICATION

None

#### REQUEST FOR AN ADVISORY OPINION

None

#### BUSINESS

BOE 2021-19 Discussion on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees who are required to submit a disclosure statement.

BOE 2021-20 Election of two members to represent the Board of Ethics regarding the proposed ordinance defining regulatory employees required to submit a disclosure statement and other related matters.

#### DISCLOSURES

##### Employee:

1. Ernest Barreira, Department of Finance, Division of Purchasing
2. Boyd Gayagas, Deputy County Engineer
3. Leo Sandoval, Director of Liquor Control Department

**EXECUTIVE SESSION**

ES-010

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 May 21, 2021, 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.

**RETURN TO OPEN SESSION**

Ratify on Board actions taken in Executive Session.

**ANNOUNCEMENTS**

Next Meeting: Friday, July 16, 2021 at 1:00 p.m.

**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: Aaron Larrimore, Deputy 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 [asegreti@kauai.gov](mailto:asegreti@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](mailto:asegreti@kauai.gov), 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 OR OTHER ACCOMMODATION 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](mailto: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:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>May 21, 2021</b>
Location	Teleconference	Start of Meeting: 1:04 p.m.	End of Meeting: 1:39 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Kelly Gentry, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Chair Burriss called the meeting to order at 1:04 p.m.  Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.	
<b>Approval of Minutes</b>	<u>Open Session Minutes of April 16, 2021</u>	Chair Burriss received the minutes as presented.	

SUBJECT	DISCUSSION	ACTION
<b>Public Testimony</b>	<u>None</u>	
<b>Communication</b>	<p><u>BOE 2021-17 Possible conflict of interest dated April 12, 2021, from Councilmember Felicia Cowden regarding C 2021-87 and ES-1050 on the April 7, 2021 Council meeting agenda.</u></p> <p>Chair Burriss noted that there was no offer to recuse in this particular correspondence before the Board voted.</p>	<p>Member de la Pena moved to receive BOE 2021-17. Member Gentry seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2021-18 Possible conflict of interest and recusal dated April 27, 2021, from Councilmember KipuKai Kuali'i relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Transit Outreach Programs.</u></p>	<p>Secretary Latkiewicz moved to receive BOE 2021-18. Member de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
<b>Request for Advisory Opinion</b>	<u>None</u>	
<b>Business</b>	<p><u>BOE 2021-15 Update and presentation on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees required to submit a disclosure statement and other related matters.</u></p> <p>Chair Burriss thanked the PIG for the report and stated that it was well put together. She asked what would be the next action.</p> <p>Ellen Ching, Administrator, stated that as indicated in the report, the PIG met on May 5, 2021 and provided the Board with the report and attachments. She explained that the Board could only provide the Board with the packet and that Member Gentry is the spokesperson for the PIG. At next month's meeting the Board may discuss the report and take action. This month is just the presentation, report and recommend.</p> <p>Member Gentry explained that the PIG was able to meet and look at what other County's</p>	No Action

SUBJECT	DISCUSSION	ACTION
	<p>use and what came together was put into the report.</p> <p>Ms. Ching explained that the PIG is still working on timing with consultation from the Deputy County Attorney, and that next month will be discussion on the recommendations to include timing and what action to take. She also recognized the work that Deputy County Attorney Larrimore did on this item.</p> <p>Councilmember Felicia Cowden commented that she wanted to learn about what the Board is working on, as she has some ideas on disclosure as well. She went on the website and because it is a public agenda item she thought that it would be discussed or in the agenda packet. She asked how she can learn, and questioned that it should have been in the agenda packet.</p> <p>Chair Burriss explained that the Board did receive it ‘till the last minute and asked if Councilmember Cowden could receive a copy.</p> <p>Ms. Ching replied that a copy of the report would be sent to the Councilmember. Ms. Ching explained that her interpretation of the PIG is that they can only report after meeting and then at the next meeting there can be discussion. She deferred to the Deputy County Attorney for more input and clarification.</p> <p>Councilmember Cowden stated that she sent an email forward. She hopes to get it sooner rather than later as they are working on this issue, and the board may doing exactly what they are thinking may be good, and there won’t have some parallel working.</p> <p>Chair Burriss stated that Ms. Ching or Ms. Segreti will send a copy of the report. She asked that if Councilmember Cowden or her group have items to raise concerning the report that they give the Board abundant notice before the next meeting.</p> <p>Councilmember Cowden stated that it will be great and welcomed and why she got on meeting today.</p>	

SUBJECT	DISCUSSION	ACTION
<p><b>Disclosures</b></p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> <li>1. Stephen Hall, Deputy County Attorney</li> <li>2. Michael Dahilig, Managing Director</li> </ol> <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> <li>3. Gerald Ako, Planning Commission-Labor</li> <li>4. Lorna Nishimitsu, Liquor Control Commission</li> <li>5. Erica Taniguchi, Public Access, Open Space and Natural Resources Preservation Fund Commission</li> </ol> <p>Chair Burriss asked if there was any comments or concerns regarding the submitted disclosures.</p> <p>Vice Chair Shiraishi asked what Section II of #2's disclosure said?</p> <p>Ms. Segreti read Section II stating that self-employment is 100% and no work is within Kauai County.</p> <p>Chair Burriss entertained a motion to approve disclosures 1-5 as a group.</p>	<p>Secretary Latkiewicz moved to approve disclosures 1-5 as a group. Member de la Pena seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>
<p><b>Executive Session</b></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 16, 2021 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-004: BOE 2021-08 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 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</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>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><u>ES-007: BOE 2021-16 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 a notarized formal complaint received March 16, 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 20.01, Standards of Conduct.</u></p> <p><u>ES-009: BOE 2021-19 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 the response to a notarized formal complaint received March 16, 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 20.01, Standards of Conduct.</u></p> <p><i>The Board moved into Executive Session at 1:24pm</i></p>	<p>Vice Chair Shiraishi moved to go into executive session at 1:24 pm.          Member Gentry seconded.</p> <p>Voice Vote:          6 ayes, 0 nays          Motion carried 6:0</p>
<p><b>Return to Open Session</b></p>		<p>The Board resumed in Open Session at 1:37 p.m.</p> <p>Roll call:          Member de la Pena: present &amp; affirm          Member Gentry: present &amp; affirm          Member Toyofuku: present &amp; affirm          Secretary Latkiewicz: present &amp; affirm          Vice Chair Shiraishi: present</p>

SUBJECT	DISCUSSION	ACTION
		& affirm Chair Burriss: present & affirm Six members present, which constituted a quorum.
	Ratify on Board actions taken in Executive Session.	None
<b>Announcements</b>	Next Meeting: Friday, June 18 , 2021 at 1:00pm  Member Gentry and Member Latkiewicz informed the Board that they will not be present at the next scheduled meeting.  Chair suggested that the PIG agenda item may need to be moved as two members will not be available.	
<b>Adjournment</b>		Hearing no objections Chair Burriss adjourned the meeting at 1:39 p.m.

Submitted by: \_\_\_\_\_ Reviewed and Approved by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist Susan Burriss, Chair

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

May 5, 2021

**Board of Ethics**  
**Permitted Interaction Group (PIG) Disclosure Report**

PIG Commission members: Kelly Gentry, Ryan de la Pena, John Latkiewicz,  
Staff: Aaron Larrimore, Ellen Ching, Anela Segreti

Task: The PIG was assigned to provide the following:

1. Draft an ordinance defining “regulatory employees” required to submit a disclosure statement.
2. Design the process for the implementation of the charter amendment.

Background:

The first Statewide Ethics Conference was held on September 5, 2019 and was attended by the previous Chair and Vice Chair of the Board of Ethics, Dean Toyofuku, Mia Shiraishi and Anela Segreti. One of the ideas they brought back from the conference was the concept of widening the number of county employees required to file an ethics disclosure to include “regulatory employees”. Based on this the Board of Ethics, proposed a charter amendment that was adopted in 2020. The amendment is as follows:

20.04. Disclosure.

- A. The mayor, councilpersons, ~~[all department heads and deputies,]~~ managing director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, the purchasing administrator, and ~~[any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall]~~ regulatory employees shall within thirty days of assuming office, file with the board a list of all real property within the county in which such person has any right, title, or interest, a list of all business firms which contract for county business in which such person has any interest, and all of such person’s places of employment, including part-time employment, all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses, and the names of persons represented before government agencies. Amendments to the list, including additions, deletions, or changes in title, interest in property or of employment, shall be made within thirty days of the occurrence of the amendment. The list shall be a matter of public record [7]; provided that the lists of regulatory employees shall not be open to public inspection.

Subsequently, on March 19, 2021, the Board adopted a motion to form this PIG. The PIG met on May 5, 2021 and reviewed the disclosure requirements of the other counties, a draft from the Human Resources department of the positions that are equivalent to Hawaii county’s ordinance and a draft ordinance.

Based on this the PIG is offering the following recommendations:

1. Adopt the proposed draft ordinance (Attachment #1) which is based on Hawaii County’s ordinance and incorporates the list of positions from HR. (See Attachment #1 - Ramseyer version, Attachment #2 - redline version)

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3,  
KAUA‘I COUNTY CODE 1987, AS AMENDED,  
RELATING TO FINANCIAL DISCLOSURES**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA‘I, STATE OF HAWAII:

SECTION 1. Findings and purpose. The Council finds that a range of important government operations are conducted by employees working underneath the Mayor and department heads and deputies. These employees are engaged in sensitive matters involving the administration of County business and the determination of compliance with County law and rules. These employees historically have not been required to file financial disclosures with the Board of Ethics under Chapter 3, Section 3-1.9(a), Kaua‘i County Code 1987, as amended.

The Council finds that a Charter Amendment was duly adopted on November 3, 2020, that broadened the classes of employees required to file financial disclosures with the Board of Ethics to include the Managing Director, the heads of agencies and divisions, and regulatory employees.

The Council finds that Chapter 3, Kaua‘i County Code 1987, as amended, must be amended in order to conform to the Charter Amendment adopted in November 2020. Furthermore, the Council finds that the term “regulatory employees” should be defined in the Kaua‘i County Code to provide clarity and certainty on which employees shall be required to file financial disclosures.

The purpose of this Ordinance is to amend Chapter 3, Sections 3-1.2 and 3-1.9(a), Kaua‘i County Code 1987, as amended, to conform to the County Charter and to define the regulatory employees required to file financial disclosures with the Board of Ethics.

SECTION 2. Chapter 3, Section 3-1.2, Kaua‘i County Code 1987, as amended, is hereby amended by inserting, alphabetically, a definition for the following term:

“Regulatory Employee” means

- (1) Supervisors of inspectors employed by the ~~department~~Department of ~~public works~~Public Works;

- (2) ~~Inspectors employed by the department~~Department of public works~~Public Works;~~
- (3) Supervisors of liquor control investigators;
- (4) Liquor control investigators;
- (5) ~~Buyers and purchasing agents;~~
- (6) Supervisors of real property tax appraisers;
- (7) Real property tax appraisers;
- (8) Supervisors of planners or inspectors employed by the planning department~~Planning Department;~~
- ~~(9) Planners employed by the planning department;~~
- ~~(10)(9) Supervisors of inspectors employed by the department of water supply;~~Planning Department;
- (10) Inspectors employed by the department~~Planning Department;~~
- (11) Supervisors of fire prevention inspectors;
- (12) Fire prevention inspectors;
- (13) Supervisors of housing quality standards inspectors;
- (14) Housing quality standards inspectors;
- (15) Supervisors of water supply;~~motor vehicle inspectors;~~
- (16) Motor vehicle inspectors;
- (17) Supervisors of inspectors employed by the Department of Water Supply;
- ~~(11)(18) Inspectors employed by the Department of Water Supply;~~
- ~~(12)(19) The County Auditor;~~
- (20) Auditors employed by the County Auditor; and
- (21) Analysts employed by the County Auditor.”

SECTION 3. Chapter 3, Section 3-1.9(a), Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“(a) The Mayor, Councilpersons, ~~[all department heads and deputies,]~~ Managing Director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, ~~[—and]~~ the purchasing administrator, and ~~[any employee delegated or authorized to act on behalf of the Director of Finance and the Deputy Director of Finance in their absence]~~ regulatory employees shall, within thirty (30) days of assuming office, file with the Board of Ethics a list of all real property within the County in which he or she has any right, title or interest; a list of all business firms which contract for County business in which he or she has interest; all places of employment, including part-time employment; and all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies. Amendments to the list, including additions,

deletions or changes in title, interest in property or of employment, shall be made within thirty (30) days of the occurrence of the amendment. The list shall be a matter of public record[-]; provided that the lists of regulatory employees shall not be open to public inspection.”

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take upon its approval.

Introduced by:

COUNCILMEMBER NAME

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3,  
KAUA‘I COUNTY CODE 1987, AS AMENDED,  
RELATING TO FINANCIAL DISCLOSURES**

---

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. The Council finds that a range of important government operations are conducted by employees working underneath the Mayor and department heads and deputies. These employees are engaged in sensitive matters involving the administration of County business and the determination of compliance with County law and rules. These employees historically have not been required to file financial disclosures with the Board of Ethics under Chapter 3, Section 3-1.9(a), Kaua‘i County Code 1987, as amended.

The Council finds that a Charter Amendment was duly adopted on November 3, 2020, that broadened the classes of employees required to file financial disclosures with the Board of Ethics to include the Managing Director, the heads of agencies and divisions, and regulatory employees.

The Council finds that Chapter 3, Kaua‘i County Code 1987, as amended, must be amended in order to conform to the Charter Amendment adopted in November 2020. Furthermore, the Council finds that the term “regulatory employees” should be defined in the Kaua‘i County Code to provide clarity and certainty on which employees shall be required to file financial disclosures.

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- (1) Supervisors of inspectors employed by the Department of Public Works;
- (2) Inspectors employed by the Department of Public Works;

- (3) Supervisors of liquor control investigators;
- (4) Liquor control investigators;
- (5) Buyers and purchasing agents;
- (6) Supervisors of real property tax appraisers;
- (7) Real property tax appraisers;
- (8) Supervisors of planners or inspectors employed by the Planning Department;
- (9) Planners employed by the Planning Department;
- (10) Inspectors employed by the Planning Department;
- (11) Supervisors of fire prevention inspectors;
- (12) Fire prevention inspectors;
- (13) Supervisors of housing quality standards inspectors;
- (14) Housing quality standards inspectors;
- (15) Supervisors of motor vehicle inspectors;
- (16) Motor vehicle inspectors;
- (17) Supervisors of inspectors employed by the Department of Water Supply;
- (18) Inspectors employed by the Department of Water Supply;
- (19) The County Auditor;
- (20) Auditors employed by the County Auditor; and
- (21) Analysts employed by the County Auditor.”

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COUNCILMEMBER NAME

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i