



BOARD OF ETHICS

KELLY GENTRY, CHAIR
JOHN LATKIEWICZ, VICE CHAIR
RYAN de la PENA, SECRETARY

SUSAN BURRISS, MEMBER
ROSE RAMOS-BENZEL, MEMBER
DEAN TOYOFUKU, MEMBER

Meetings of the Board of Ethics will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
 - Written testimony indicating your 1) name, and if applicable, you position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to asegreti@kauai.gov or mailed to the Board of Ethics, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Board of Ethics at least 24 hours prior to the meeting will be distributed to all Board of Ethics Members prior to the meeting.
 - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Board during the meeting and added to the record thereafter.
 - Any late testimony received will be distributed to the to the members after the meeting is concluded.
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- **Oral testimony** will be taken during the public testimony portion of the meeting.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing asegreti@kauai.gov or calling (808) 241-4917. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Board of Ethics's and Chairs practice, there is three-minute time limit per testifier per agenda item.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speaker.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE OFFICE OF BOARDS AND 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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, July 15, 2022
1:00 p.m. or shortly thereafter
Līhu`e Civic Center
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

Microsoft Teams Conferencing Information

Click on the link below or enter the url in your network browser to join on your computer or mobile app by VIDEO:

<https://bit.ly/3nLGWqD>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 500119946#

This meeting will be held in-person and via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by attending the meeting in-person at the address above or using the link above or calling the number above with the conference ID information. You may testify in-person or by video conference during the meeting, 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.

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES of the meeting of the Open Session
 - 1. June 17, 2022
- E. PUBLIC TESTIMONY
- F. COMMUNICATION
- G. REQUEST FOR AN ADVISORY OPINION

H. BUSINESS

BOE 2022-18

Discussion and possible action on report of 2022 candidate disclosure filings.

I. DISCLOSURES

Volunteers:

1. Gerald Matsunaga, Liquor Control Commission
2. Tom Shigemoto, Board of Water Supply
3. Lauren O’Leary, Civil Service Commission
4. John Venardos, Salary Commission

Candidates:

5. Michael Roven Poai, Mayoral Candidate
6. Bernard Carvalho, County Council Candidate
7. Rachel Secretario, County Council Candidate
8. Roy Saito, County Council Candidate

J. EXECUTIVE SESSION

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.

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.

No officer or employee of the county shall:

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.

E. Use the officer or employee’s official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.

K. RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

L. ANNOUNCEMENTS

Next Meeting: Friday, August 19, 2022, at 1:00 p.m.

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

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	June 17, 2022
Location	Boards & Commissions Conference Room, Pi'ikoi Building	Start of Meeting: 1:07 p.m.	End of Meeting: 1:38 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
<p>A. Call To Order B. Roll Call</p>	<p>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.</p>	<p>Secretary de la Pena called the meeting to order at 1:07 p.m.</p> <p>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.</p> <p>Member Burriss moved to nominate Secretary de la Pena Chair Pro Tem for today's meeting. Member Toyofuku seconded.</p> <p>Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda	Secretary de la Pena entertained a motion to approve the agenda.	Member Toyofuku moved to accept the agenda as submitted. Member Ramos-Benzel seconded. Voice vote: 4 ayes, 0 nays Motion carried 4:0
D. Approval of Minutes	<u>Open Session Minutes of May 20, 2022</u> Secretary de la Pena entertained a motion to accept the minutes as presented.	Member Toyofuku moved to accept the minutes as presented. Member Burriss seconded. Voice vote: 4 ayes, 0 nays Motion carried 4:0
E. Public Testimony	<u>None</u>	
F. Communication	<u>None</u>	
G. Request for Advisory Opinion	<u>None</u>	
H. Business	<p><u>BOE 2022-16 Discussion and possible action regarding Advisory Opinion in response to RAO 2022-01.</u></p> <p>Administrator Ching updated the Board with a communication from Prosecuting Attorney informing the Board that the individual has left the Prosecuting Attorney's office and is therefore withdrawing the request.</p> <p>Deputy County Attorney Larrimore confirmed that the request has been withdrawn. He suggested a letter be sent stating that the request had been withdrawn and that the Board made no findings on the question brought before them as a request.</p> <p>Secretary de la Pena entertained a motion to accept the withdrawl of RAO 2022-01.</p>	<p>Member Burriss moved to receive the communication of the withdrawl. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
		<p>Member Burriss moved to have DCA Larrimore draft a letter to the Prosecuting Attorney advising that the withdrawal has been accepted and will not be taking any action on the request. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
	<p><u>BOE 2022-17 Discussion, possible action, and possible approval of The Kaua‘i County Board of Ethics (the “Board”) proposal 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.</u></p> <p>Secretary de la Pena entertained a motion to approve the amendments to Rule 3 of the Boards 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.</p> <p>Deputy County Attorney Larrimore suggested that the Board find that the amendment doesn’t affect small business as it’s a rule that affects County officials and employees. He suggested that they first make a motion finding that the rules do not affect small business and then a motion to approve if that is the will of the Board. He clarified that this applies to rule making.</p>	<p>Member Burriss moved to approve the amendments to Rule 3. Member Toyofuku seconded.</p> <p>Member Burriss moved to withdraw her motion and Member Toyofuku withdrew his second.</p> <p>Member Burriss moved to find that the amendment will not cause a direct or indirect affect on small business. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p> <p>Member Burriss moved to approve the amendments to Rule 3. Member Toyofuku seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
<p>I. Disclosures</p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Leo Sandoval-Reyes, Director Liquor Control Department 2. John Berry, Investigator, Liquor Control Department 3. Lawrence Stem, Investigator, Liquor Control Department 4. Reid Yoshida, Investigator, Liquor Control Department 5. Kenneth Herman, Investigator, Liquor Control Department <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 6. Mark Ono, Public Access, Open Spaces and Natural Resources Preservation Fund Commission <p><u>Candidates:</u></p> <ol style="list-style-type: none"> 7. Michael Roven Poai, Mayoral Candidate 8. Bill DeCosta, County Council Candidate 9. Rosemarie Jauch, County Council Candidate <p>Secretary de la Pena asked if anyone had any issues with numbers 1-9.</p> <p>Member Burriss stated that she had questions on #7. There is no response to spouse name, and source of compensation and truck loan. The numbers were also puzzling.</p> <p>Secretary de la Pena entertained a motion to accept disclosures 1-6, 8, and 9.</p>	<p>Member Burriss moved to accept disclosures 1-6, 8, and 9. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p> <p>Member Burriss moved that staff send a letter to Mr. Poai (#7) regarding request for further information or clarification. Member Ramos-Benzel seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
<p>J. Executive Session</p>	<p><u>ES-007 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 20, 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 Toyofuku moved to go into executive session at 1:26 pm. Member Burriss seconded.</p> <p>Voice vote: 4 ayes, 0 nays Motion carried 4:0</p>
<p>K. Return to Open Session</p>		<p>The Board resumed in Open Session at 1:37 p.m.</p>
	<p><u>Ratify on Board actions taken in Executive Session.</u></p>	<p>Member Burriss moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
L. Announcements	Next Meeting: Friday, July 15, 2022, at 1:00pm Administrator Ching asked the Board if they would like a report on candidates that have filed disclosures. Stating that all candidates have 7 days to file disclosure and not all have been received.	Secretary de la Pena asked for report on candidate filings of disclosures be added to the agenda.
M. Adjournment		Secretary de la Pena adjourned the meeting at 1:38 p.m.

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

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

**2022 CANDIDATE
DISCLOSURE FILINGS**

Candidate	Contest	Filed	Date of Disclosure	Within 7 days of filing
1. Denis, Megeso-William	Mayor	05/31/2022		No
2. Kawakami, Derek S.K.	Mayor	03/30/2022	04/01/22	Yes
3. Mcpeek, Mitch	Mayor	05/13/2022		No
4. Poai, Michael Roven	Mayor	05/25/22	05/26/22	Yes
1. Bulosan, Addison	County Council	06/07/2022		No
2. Carvalho, Bernard	County Council	05/18/2022	06/07/2022	No
3. Cowden, Felicia	County Council	04/14/2022		No
4. DeCosta, Billy	County Council	05/25/2022	05/27/2022	Yes
5. Evslin, Luke	County Council	06/07/2022		No
6. Holland, Fern Anuenue	County Council	06/06/2022		No
7. Jauch, Rosemarie	County Council	06/03/2022	06/06/2022	Yes
8. Kagawa, Ross	County Council	05/11/2022		No
9. Kualii'i, KipuKai	County Council	06/01/2022		No
10. Langtad, James	County Council	05/05/2022	05/09/2022	Yes
11. Linder, Jeffrey	County Council	04/20/2022		No
12. Metzger, Lila Balmores	County Council	06/06/2022		No
13. Mukai, Nelson	County Council	03/14/2022	03/14/2022	Yes
14. Nelson, Jakki	County Council	05/23/2022		No
15. Rapozo, Mel	County Council	04/04/2022	04/05/2022	Yes
16. Saito, Roy	County Council	06/07/2022	06/17/2022	No
17. Secretario, Rachel M.	County Council	06/06/2022	06/10/2022	Yes
18. Simbre-Medeiros, Shirley R.	County Council	05/31/2022		No
19. Yago, Clint	County Council	03/23/2022	03/28/2022	Yes