



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, 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 MEETING NOTICE AND AGENDA

Friday, November 18, 2022
1:00 p.m. or shortly thereafter
Līhu`e Civic Center
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting of the Open Session

1. September 16, 2022

E. PUBLIC TESTIMONY

F. COMMUNICATION

G. REQUEST FOR AN ADVISORY OPINION

RAO 2022-03 Request for an Advisory Opinion from James (Kimo) Tejada received on November 7, 2022 relating to outside employment to do small maintenance repair work.

H. BUSINESS

None

I. DISCLOSURES

None

J. EXECUTIVE SESSION

ES-012 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 September 16, 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, December 16, 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	September 16, 2022	
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting:	1:00 p.m.	End of Meeting: 2:18 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, 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				
Absent				
SUBJECT	DISCUSSION			ACTION
A. Call To Order B. Roll Call				Chair Gentry called the meeting to order at 1:00 p.m. Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: present Six members present, which constituted a quorum.

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda	<p>Chair Gentry asked Ellen Ching, Administrator if there was anyone in the audience.</p> <p>Ms. Ching affirmed and asked if he wanted to testify on any item on the agenda. He declined and Ms. Ching noted one person in audience and that they did not want to testify on any of the agenda items.</p> <p>Chair Gentry entertained a motion to approve the agenda.</p>	<p>Secretary de la Pena moved to accept the agenda as submitted. Member Burriss seconded.</p> <p>Motion carried 6:0</p>
D. Approval of Minutes	<p>Minutes of the Open Session:</p> <p>1. August 12, 2022</p> <p>Chair Gentry entertained a motion to approve the minutes.</p>	<p>Vice Chair Latkiewicz moved to accept the minutes of 8/12/22 as submitted. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>
E. Public Testimony	None	
F. Communication	None	
G. Request for Advisory Opinion	<p><u>RAO 2022-02 Request for an Advisory Opinion from Chief of Police Todd Raybuck received July 28, 2022, relating to outside employment requests from four Officers to work as Private Security Guards.</u></p> <p>Administrator Ching reported that the Chief is on vacation and not present at the meeting.</p> <p>Administrator Ching asked if there was anyone present that wanted to testify on the item. She noted no one came forward.</p> <p>Chair Gentry entertained a motion.</p> <p>Member Burriss requested consultation with Deputy County Attorney Larrimore in an Executive Session. Chair Gentry agreed.</p> <p>Board moved into executive session at 1:05pm.</p>	<p>Member Burriss moved to go into executive session. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Board resumed in open session at 1:20pm.</p> <p>Chair Gentry called for a motion.</p>	<p>Secretary de la Pena moved to defer RAO 2022-02, item G, to the end of the agenda. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p>
<p>H. Business</p>	<p><u>BOE 2022-19 Update on Candidate disclosure filings.</u></p> <p>Anela Segreti, staff, updated the Board on candidate disclosures. She reported that at the last meeting it was reported that there were two candidates for County Council, Jakki Nelson and Jeffrey Lindner, that did not file disclosures. She reported that she did send another email requesting the disclosures and did not receive them, and that the candidates did not move on to the General Election. All candidates in the General Election have filed disclosures.</p>	<p>Vice Chair Latkiewicz moved to receive the report. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Volunteer:</u></p> <ol style="list-style-type: none"> 1. Jerry Ornellas, Planning Commission 2. Mai Shintani, Public Access, Open Spaces and Natural Preservation Fund Commission 3. Shelley Konishi, Civil Service Commission <p><u>Candidates:</u></p> <ol style="list-style-type: none"> 4. Shirley Simbre-Medeiros, County Council Candidate <p>Chair Gentry asked if there was anyone with any issues on the 4 disclosures.</p> <p>Member Burriss commented that on #1 that she doesn't believe that the Social Security income may be incorrect. Members stated that they were not aware of the cap, and it is a possibility so they will accept it.</p> <p>Member Ramos-Benzel commented that on #4 she did not see any income associated with Contract work for Dept of Health. Member Burriss stated that she is an Ombudsmen and does not receive payment for that work.</p> <p>Chair Gentry entertained a motion to approve disclosures #1-#4.</p>	<p>Member Burriss move to accept #1-#4. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
<p>J. Executive Session</p>	<p><u>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 August 12, 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-011 RAO 2022-02 Pursuant to Hawai'i Revised Statutes §92-4, Statutes §92-5 (a) (4), the purpose of this Executive Session is for the Board to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and/or liabilities as they may relate to RAO-2022-02.</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 1:27pm. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
<p>K. Return to Open Session</p>		<p>The Board resumed in Open Session at 1:47 p.m.</p>
	<p><u>Ratify on Board actions taken in Executive Session.</u></p>	<p>Secretary Ramos-Benzel moved to ratify the actions taken by the Board in Executive Session. Member de la Pena seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 6:0
G. Request for Advisory Opinion	<u>RAO 2022-02 Request for an Advisory Opinion from Chief of Police Todd Raybuck received July 28, 2022, relating to outside employment requests from four Officers to work as Private Security Guards.</u> Chair Gentry entertained a motion. Board discussed various motions to be made.	Secretary de la Pena moved that the Board finds that this type of outside employment does not trigger an automatic violation of the code of ethics. Member Ramos-Benzel seconded. Motion carried: 6:0
H. Announcements	Next Meeting: Friday, October 21, 2022, at 1:00pm	
I. Adjournment		Hearing no objections Chair Gentry adjourned the meeting at 2:18 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Kelly Gentry, Chair

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

November 7, 2022

Kauai Board of Ethics
c/o Office of Boards & Commissions
4444 Rice Street, Suite 300
Lihu'e, HI 96766

Subject: **Request for Ethics Determination**
James "Kimo" Tejada, Planning Inspector trainee, County of Kauai Planning
Department

I am a new Planning Inspector for the County of Kauai and currently have an active general contractor's license under K. Tejada Construction LLC. This license is a Class B license which means I am bonded and insured. I have had this license since 2008, and have constructed new homes, and done renovations on commercial and residential structures on Kauai, Oahu and the Big Island. The last new home I constructed was in 2011 – I have no interest or energy doing those anymore.

For the past 3 years, I have not taken or pursued any projects involving this license since working full time at Home Depot, and before that HPM building supply. Since joining the County of Kauai on October 3, 2022, I have been getting inquiries regarding *maintenance repair work* that requires bonding and insurance of my license. Most recently the Regency at Huleia inquired if I could do additional maintenance work on their structures consisting of addressing wood rot, replacing trim, and gutter repair since I did that work for them in 2019. Such repair work did not, and would not, require permitting from the County Planning Department nor Public Works-Building division.

- I would like to be able to do small maintenance repair work as mentioned above that would not in any way affect lot coverage, building setbacks and/or require County Planning Department or Public Works-Building Division permits. These small maintenance/repair projects usually required bonding and insurance to ensure that the repair work is done properly, to construction standards.
- During my County employment, I will not be utilizing my general contractor's license for anything else beyond repair/maintenance on Kauai. I will not be advertising nor seeking such work.

Mahalo nui,

James "Kimo" Tejada